



**NOTICE OF A WORK AND REGULAR SESSION  
OF THE VINEYARD CITY COUNCIL MEETING  
June 27, 2018 at 6:00 PM**

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Public Notice is hereby given that the Vineyard City Council will hold a Regular Session of the Vineyard City Council meeting on Wednesday, June 27, 2018, at 6:00 pm in the Vineyard City Hall, 240 East Gammon Road, Vineyard, Utah. The agenda will consist of the following: (clicking on the blue wording will take you to the documents associated with the agenda item.)

**AGENDA**

**REGULAR SESSION**

**Presiding Mayor Julie Fullmer**

**(Mayor Pro tem – Councilmember Chris Judd – April to June)**

**1. CALL TO ORDER**

**INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE**

**2. OPEN SESSION – Citizens’ Comments**

(15 minutes)

“Open Session” is defined as time set aside for citizens to express their views for items not on the agenda. Each speaker is limited to three minutes. Because of the need for proper public notice, immediate action **cannot** be taken in the Council Meeting. If action is necessary, the item will be listed on a future agenda, however, the Council may elect to discuss the item if it is an immediate matter of concern.

**3. MAYOR AND COUNCILMEMBERS’ REPORTS/DISCLOSURES/RECUSALS**

**4. STAFF AND COMMISSION REPORTS**

(3 minutes each)

- City Manager/Finance Director – Jacob McHargue
- Public Works Director/Engineer – Don Overson
- City Attorney – David Church
- Utah County Sheriff’s Department – Sergeant Holden Rockwell
- Community Development Director – Morgan Brim & Planning Commission Chair – Cristy Welsh
- City Recorder – Pamela Spencer
- Building Official – George Reid
- Water/Parks Manager Sullivan Love – Timpanogos Special Service District – Board
- Heritage Commission Chair Tim Blackburn – Heritage Days update

## 5. CONSENT ITEMS

- a) Approval of the June 13, 2018 City Council Meeting Minutes
- b) Approval of Purchase/Lease – Vac Truck Lease
- c) Approval of Purchase/Lease – Konica Minolta Copier
- d) Approval of Purchase – Fireworks Contract/costs for the Summer Celebration/Park Grand Opening
- e) Approval of Purchase – Council Chambers Seating
- f) Approval of Purchase – Server

## 6. MAYOR’S APPOINTMENTS

No items were submitted.

## 7. BUSINESS ITEMS

### 7.1 DISCUSSION AND ACTION – 2017/2018 FY Budget Adjustment (Resolution 2018-09)

*(15 minutes)*

City Manager/Finance Director Jacob McHargue will present a budget adjustment for the 2017/2018 Fiscal Year Budget. The mayor and City Council will take appropriate action.

### 7.2 DISCUSSION AND ACTION – Municipal Code Amendment – Business Licensing (Ordinance 2018-05)

*(15 minutes)*

Records Management Assistant Kelly Kloefer will present a Municipal Code amendment for business licensing. The mayor and City Council will take appropriate action.

### 7.3 PUBLIC HEARING – Amendment to the Zoning Ordinance – Sign Code, Home Occupation, and Accessory Dwelling Units (Ordinance 2018-06)

City Planner Elizabeth Hart will present proposed text amendments to the Vineyard Zoning Ordinance, including:

Section 15.34.060 Accessory Dwelling Units – modify the permitting process.

Section 15.34.150 Home Occupations – to define and establish standards for different types of Home Occupations.

Chapter 15.48 Signs – to repeal in its entirety and replace with new sign regulations that are content-neutral and regulate the design, materials, size, number and location of signs.

The mayor and City Council will take appropriate action.

### 7.4 PUBLIC HEARING – WatersEdge (Ordinance 2018-07)

City Planner Elizabeth Hart will present proposed text amendments to the Waters Edge Zoning District, including:

Section 5.08.010 Building Standards (Table) – modifying the maximum height of a residential building in all zoned areas but the multi-family zoned areas to a height of thirty-five feet (35’) and measured from top of back of curb.

The mayor and City Council will take appropriate action.

### 7.5 DISCUSSION AND ACTION – Naming of the 18-Acre Park

*(15 minutes)*

The Parks and Trails committee would like present names for consideration for the 18-acre park. The mayor and City Council will take appropriate action.

## 8. CLOSED SESSION

The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to go into a closed session for the purpose of:

- (a) discussion of the character, professional competence, or physical or mental health of an individual
- (b) strategy sessions to discuss collective bargaining
- (c) strategy sessions to discuss pending or reasonably imminent litigation
- (d) strategy sessions to discuss the purchase, exchange, or lease of real property
- (e) strategy sessions to discuss the sale of real property

## 9. ADJOURNMENT

This meeting may be held electronically to allow a councilmember to participate by teleconference.

The next regularly scheduled meeting is July 11, 2018.

The Public is invited to participate in all City Council meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder at least 24 hours prior to the meeting by calling (801) 226-1929.

I the undersigned duly appointed Recorder for Vineyard, hereby certify that the foregoing notice and agenda was emailed to the Salt Lake Tribune, posted at the Vineyard City Hall, the Vineyard City Offices, the Vineyard website, the Utah Public Notice website, and delivered electronically to city staff and to each member of the Governing Body.

**AGENDA NOTICING COMPLETED ON:** June 26, 2018

**CERTIFIED (NOTICED) BY:** /s/ Pamela Spencer

PAMELA SPENCER, CITY RECORDER

1 MINUTES OF THE VINEYARD  
2 CITY COUNCIL MEETING  
3 240 East Gammon Road, Vineyard, Utah  
4 June 13, 2018 at 6:00 PM  
5  
6  
7

8 **Present**

**Absent**

9 Mayor Julie Fullmer  
10 Councilmember John Earnest  
11 Councilmember Tyce Flake  
12 Councilmember Chris Judd  
13 Councilmember Nate Riley (6:48 PM)  
14

15 **Staff Present:** City Manager/Finance Director Jacob McHargue, Public Works Director/City  
16 Engineer Don Overson, City Attorney David Church, Sergeant Holden Rockwell with the Utah  
17 County Sheriff's Department, Community Development Director Morgan Brim, Planning  
18 Commission Chair Cristy Welch, City Recorder Pamela Spencer, Building Official George Reid,  
19 Water/Parks Manager Sullivan Love, City Treasurer Mariah Hill, Finance Intern Karuva Kaseke  
20

21 **Others Present:** No one spoke at this meeting.  
22  
23

24 **6:00 PM REGULAR SESSION**  
25

26 Mayor Fullmer opened the meeting at 6:00 PM. Councilmember Earnest gave the invocation.  
27  
28

29 **OPEN SESSION – Citizens' Comments**

30 Mayor Fullmer called for public comments. Hearing none, she closed the public session.  
31  
32

33 **MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS**

34 Councilmember Judd reported that he would be attending a meeting with the Utah County  
35 Association of Realtors. He commented that there had been a rate hike, which would change how  
36 people qualify for homes. He felt that it would be smart to look at affordable housing as they  
37 amend the General Plan.  
38

39 Councilmember Flake reported on the meeting he attended this week with Governor Herbert. He  
40 said that the Governor felt the Vineyard's planning was excellent and farsighted by promoting  
41 the transportation nexus. Councilmember Flake felt it was a productive meeting.  
42  
43

44 **STAFF AND COMMISSION REPORTS**

45 City Manager/Finance Director – Jacob McHargue – Mr. McHargue reported that the summer  
46 celebration would be June 29 and 30. He said that they needed a lot of volunteers for the events.  
47 There was a discussion about the events.  
48

49 Mr. McHargue reported that he had met with UTA and UDOT about a pilot program for  
50 automated shuttles and the FrontRunner station. There was a discussion about the shuttles.  
51 Mayor Fullmer explained that Mr. Overson would be partnering with them on how to integrate  
52 technology.

53  
54 Councilmember Judd asked about voting to adopt the transportation tax. Mr. McHargue replied  
55 that the county had a year to adopt the tax and if they did not, then the cities could adopt their  
56 own.

57  
58 Public Works Director/Engineer – Don Overson – Mr. Overson reported that the irrigation pond  
59 was up and running. He said that the pond water had a lot of debris and would not be good for  
60 children to play in. Mr. Love explained that it was irrigation discharge. Mr. Overson stated that  
61 they would were installing “no public access” signs. Mr. Church said that the signs should  
62 include that the water was not potable.

63  
64 Mr. Overson reported that he had received the permit from UTA and was waiting for the Union  
65 Pacific (UP) permit for the Center Street overpass air rights. There was a discussion about the  
66 UP permit.

67  
68 Mr. Overson reported that the Public Works Department had hired three new employees.

69  
70 City Attorney – David Church – Mr. Church reported that the city needed to adopt a small cell  
71 ordinance. He said that the small cells would be the 5G of the future. There was a discussion  
72 about small cell antennas.

73  
74 Utah County Sheriff’s Department – Sergeant Holden Rockwell – Sergeant Rockwell reported  
75 that they had started a Facebook page titled “Utah County Sheriff’s Office - Vineyard Division.”  
76 He reported that the Sheriff’s Office would be starting a neighborhood watch program.

77  
78 Community Development Director – Morgan Brim & Planning Commission Chair – Cristy  
79 Welsh – Mr. Brim reported that he had used a committee to interview the potential General Plan  
80 consultants. He remarked that the recommendation was unanimous from the committee. He  
81 reported that the sign and home occupation code would be amended at the next meeting. He also  
82 reported that the developers had started the construction process for buildings C & D in front of  
83 the Megaplex. The shells for buildings A & B would be completed in about two months and  
84 ready for tenants to finish them.

85  
86 City Recorder – Pamela Spencer – Ms. Spencer gave an update on the recording system for the  
87 new council chambers and the Utah County election. Ballots can be turned in at the Vineyard  
88 City offices or any designated drop-off location. Check the Utah County website for details.  
89 There was a discussion about the election process.

90  
91 Building Official – George Reid – Mr. Reid reported on the Land Use Task Force meeting with  
92 the Utah League of Cities and Towns where they were working on potential legislation for next

93 year. Some of the items were improvement bonds and affordable housing. He felt that the city  
94 was doing well with their affordable housing process.

95  
96 Water/Parks Manager Sullivan Love – Mr. Love said that his new Water Department employee  
97 had been a great help to him. He reported that the Timpanogos Special Service District board had  
98 been interviewing new candidates for the general manager position. He reported on the algal  
99 bloom on Utah Lake.

100  
101 Councilmember Judd mentioned that he had received complaints from residents in the Sleepy  
102 Ridge subdivision about their water pressure. Mr. Love explained that they had a contractor hook  
103 into that line on Holdaway Road. He said that he would get it turned up tomorrow.

104  
105  
106 **CONSENT ITEMS**

- 107 a) Approval of the May 9, 2018 City Council Meeting Minutes  
108 b) Approval of the May 23, 2018 City Council Meeting Minutes  
109 c) Approval of Purchases – Upgrade of Security System for Lift Station 1  
110 d) Approval of Purchases – Public Works Truck

111  
112 Mayor Fullmer called for a motion.

113  
114 **Motion:** COUNCILMEMBER FLAKE MOVED TO APPROVE CONSENT ITEMS A  
115 THROUGH D. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR  
116 FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD VOTED AYE.  
117 COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

118  
119  
120 **MAYOR’S APPOINTMENTS**

121 No items were submitted.

122  
123  
124 **BUSINESS ITEMS**

125 **7.1 DISCUSSION AND ACTION – Final 2018-2019 Fiscal Year Budget**  
126 **(Resolution 2018-05)**

127 City Manager/Finance Director Jacob McHargue will present the final 2018-2019 Fiscal  
128 Year Budget and the certified tax rate. The mayor and City Council may act to adopt by  
129 resolution the final budget and set the certified property tax rate for the 2018-2019 Fiscal  
130 Year. A public hearing was held on the tentative budget during the May 23, 2018 City  
131 Council meeting.

132  
133 Mr. McHargue explained that the only change to the final budget was due to the timing of the  
134 purchase of the Lindon property. He felt they needed to move the purchase to the new fiscal  
135 year’s budget. He said that the certified tax rate came in at .003957. He pointed out that last  
136 year’s tax rate was .0004015, so it had gone down slightly. Councilmember Judd asked why the  
137 tax rate went up and down. Mr. McHargue explained that each city had to collect the same tax  
138 amount from the same house as they had the year prior. He said that it was based on property  
139 values. There was a discussion about the tax rate. He mentioned that Alpine School District  
140 would be doing a “Truth in Taxation” this year to raise their tax rate.

141  
142

143 Mayor Fullmer called for public comments. Hearing none, she called for a motion.  
144 **Motion:** COUNCILMEMBER JUDD MOVED TO ADOPT THE FINAL FISCAL YEAR 2018-  
145 2019 BUDGET, RESOLUTION 2018-05, AND SET THE CERTIFIED TAX RATE AT  
146 .003957. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER,  
147 COUNCILMEMBERS EARNEST, FLAKE, AND JUDD VOTED AYE. COUNCILMEMBER  
148 RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

149  
150

### 151 **7.2 PUBLIC HEARING – Consolidated Fee Schedule (Resolution 2018-06)**

152 The mayor and City Council will hear public comment regarding suggested amendments to  
153 the consolidated fee schedule. The mayor and City Council may at act to adopt by resolution  
154 the amended consolidated fee schedule.

155

156 Mayor Fullmer turned the time over to City Treasurer Mariah Hill.

157

158 Ms. Hill explained that the department heads had reviewed the consolidated fee schedule and  
159 submitted what they felt would be appropriate changes. She then reviewed the recommended  
160 changes.

161

162 Councilmember Judd asked about the building permit fees. Mr. Reid explained that they could  
163 legally only charge up to 65% and they were only charging 35% for commercial and 25% for  
164 residential. He mentioned that Vineyard’s fees were some of the lowest in the valley. There was  
165 a discussion about building department fees.

166

167 Mayor Fullmer called for a motion to open the public hearing.

168

169 **Motion:** COUNCILMEMBER JUDD MOVED TO OPEN THE PUBLIC HEARING AT 6:41  
170 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER,  
171 COUNCILMEMBERS EARNEST, FLAKE, AND JUDD VOTED AYE. COUNCILMEMBER  
172 RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

173

174 Mayor Fullmer called for public comment. Hearing none, she called for a motion to close the  
175 public hearing.

176

177 **Motion:** COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT  
178 6:41 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER,  
179 COUNCILMEMBERS EARNEST, FLAKE, AND JUDD VOTED AYE. COUNCILMEMBER  
180 RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

181

182 Mayor Fullmer called for a motion.

183

184 **Motion:** COUNCILMEMBER FLAKE MOVED TO ADOPT THE CONSOLIDATED FEE  
185 SCHEDULE, RESOLUTION 2018-06, AS PRESENTED. COUNCILMEMBER EARNEST  
186 SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST,  
187 FLAKE, AND JUDD VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION  
188 CARRIED WITH ONE ABSENT.

189

190

### 191 **7.3 DISCUSSION AND ACTION – PTIF Accounts (Resolution 2018-07)**

192 The mayor and City Council will discuss and possibly act to approve a resolution identifying  
193 authorized individuals able to access the PTIF (Public Treasurers’ Investment Fund) accounts  
194 for Vineyard.

195 Mayor Fullmer turned the time over to City Treasurer Mariah Hill.

196

197 Ms. Hill gave a brief background on the reason for the Public Treasurers' Investment Fund  
198 (PTIF) resolution.

199

200 Councilmember Judd asked if they would be allowing Ms. Hill and Mr. McHargue to be on the  
201 account. Ms. Hill replied yes.

202

203 Councilmember Judd asked about the return on the investment. Ms. Hill replied that the return  
204 was 1.05 percent. Mr. McHargue stated that account kept the city's funds very liquid.

205

206 **Motion:** COUNCILMEMBER EARNEST MOVED TO ADOPT PTIF AUTHORIZATION,  
207 RESOLUTION 2018-07, AS PRESENTED. COUNCILMEMBER JUDD SECONDED THE  
208 MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD  
209 VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH  
210 ONE ABSENT.

211

212

213 **7.4 DISCUSSION AND ACTION – A Resolution Indicating the Intent of Vineyard to**  
214 **Adjust a Portion of Its Common Boundary with Lindon City (Resolution 2018-08)**

215 The mayor and City Council will discuss and possibly act to approve a resolution indicating  
216 the intent of Vineyard to adjust a portion of its common boundary with Lindon City.

217

218 Mayor Fullmer turned the time over to City Manager/Finance Director Jacob McHargue.

219

220 Mr. McHargue explained that with the purchase of the Lindon property both cities had agreed to a  
221 boundary adjustment. He explained the boundary adjustment process. He said that tonight the  
222 council needed to approve a resolution of intent to complete the boundary adjustment. He added  
223 that Lindon had already approved theirs last week.

224

225 Mr. McHargue explained that in the agreement it stated that they anticipated a closing much  
226 sooner than August 21. He said that Lindon wanted to know if Vineyard would be willing to close  
227 sooner or if they needed to wait until the boundary adjustment was finalized on August 22. Mr.  
228 Church felt that there was not much risk in closing before the August date. He also felt it was not  
229 wise to purchase property in another city and then have to go through that city's approval process  
230 to put a building on property owned by Vineyard.

231

232 Councilmember Flake asked if it would be okay to pay Lindon off early. Mr. McHargue replied  
233 that he was fine with the early payoff. Councilmember Judd stated that he was not in favor of it  
234 because they would be paying for the land and not have what they wanted with the boundary  
235 adjustment. There was a discussion about putting the money into escrow. Mr. McHargue  
236 explained that putting the money in escrow would not change anything. Mr. Church stated that  
237 there was no risk. He said that Lindon knew that Vineyard would be installing a public works  
238 building. He said that he was the one who had suggested doing a boundary adjustment. He stated  
239 that he was concerned with the process Vineyard would have to go through with Lindon if the  
240 boundary adjustment was not done.

241

242 Councilmember Riley entered the meeting at 6:48 PM.

243

244 Mayor Fullmer said that she had more questions about paying early and wanted to review it.  
245 There was a discussion about the closing date. Mr. McHargue suggested that they adjust the  
246 purchase offer and close on August 22. The discussion continued. Mr. Church also suggested that

247 they move the closing date until after the boundary adjustment was approved by both cities.  
248 Council agreed to wait.

249  
250 Mayor Fullmer called for further questions. Hearing none, she called for a motion.

251  
252 **Motion:** COUNCILMEMBER JUDD MOVED TO APPROVE THE RESOLUTION  
253 INDICATING THE INTENT OF VINEYARD TO ADJUST A PORTION OF ITS COMMON  
254 BOUNDARY WITH LINDON CITY, RESOLUTION 2018-08. COUNCILMEMBER FLAKE  
255 SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST,  
256 FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED WITH ONE ABSENT.

257  
258

### 259 **7.5 DISCUSSION AND ACTION – Consultant for the General Plan Amendment**

260 Community Development Director Morgan Brim is recommending that the council award the  
261 bid for a General Plan Amendment Consultant to Design Workshop. The mayor and City  
262 Council will take appropriate action.

263  
264 Mayor Fullmer turned the time over to Community Development Director Morgan Brim.

265  
266 Mr. Brim explained that he had put together a committee to interview the consultants. He said  
267 that there were six qualified proposals and they interviewed the four lowest bidders. He  
268 commented that all of the bidders provided different strengths and levels of services. He said that  
269 the committee was unanimously recommending Design Workshop. He gave a brief background  
270 on Design Workshop. He said they were not the cheapest but would provide a complete package.  
271 He said that the cost would be \$109,880.

272  
273 Councilmember Judd asked about the comparison of how quickly Design Workshop could get  
274 the project done compared to others and understanding if they would spend more money if it was  
275 going to take longer. Mr. Brim replied that their process timeline was 10 months and the longest  
276 was 14 months. He mentioned that he had worked with them in the past and they were organized  
277 and would make sure the project stayed on track. He said that if there was opposition then they  
278 could pull those sections, keep their timeline, approve what was acceptable, and then work on the  
279 issues. He stated that he felt confident that they could complete the majority of the project in 10  
280 months.

281  
282 Councilmember Riley felt that there were a lot of inflationary costs in their bid compared to the  
283 General Plan done in 2004. Mr. Brim stated that he did not know anything about that costs for  
284 the General Plan done in 2004.

285  
286 Mayor Fullmer remarked that the company the committee was recommending was similar to the  
287 company that had done the design work on the Town Center. There was a discussion about the  
288 different bidders. Mr. Brim said that Design Workshop would bring a real focus on design. He  
289 felt that they could help them envision what the city could put on the lake graphically and put it  
290 into a plan. He said that the Edge Homes project would include open space on the lake. He felt  
291 that there was an opportunity to work with the different developers and provide a cohesive plan.

292  
293 Mayor Fullmer said that Design Workshop's experience was high as far transit and connectivity.  
294 She mentioned that they had worked with various cities throughout the country and had a lot of  
295 experience. She added that they also had a lot of FrontRunner experience.

296  
297 Councilmember Flake felt Design Workshop had the best understanding of Vineyard's vision of  
298 what they wanted as a finished city. The discussion continued.

299 Councilmember Judd asked how they would quantify the hourly rates. There was a discussion  
300 about the Request for Proposal (RFP). Mr. Brim explained that Design Workshop provided the  
301 hourly rate to show much each person working on the project would charge. He said that if the  
302 city asked them to do something in addition to the project then those would be the hourly rates  
303 charged. The discussion continued about the differences between the other consultants and  
304 Design Workshop.

305  
306 Planning Commission Chair Cristy Welsh felt that Design Workshop understood how unique  
307 Vineyard's situation was. She also felt that they were excited to do the project.

308  
309 Councilmember Judd asked if anyone had reached out to the other cities that had worked with  
310 Design Workshop. Mr. Brim replied that he had worked with Design Workshop in the past and  
311 he had spoken with Branson, Missouri and Mayor Fullmer said that she had called Erie,  
312 Colorado. Councilmember Earnest mentioned that his sister lived in Colorado and he had seen  
313 some of Design Workshop's work and it was beautiful.

314  
315 Mr. Brim explained that Design Workshop had done a lot of transit and university work. Mayor  
316 Fullmer felt that the market studies with universities had set them apart from the rest of the  
317 consultants. Councilmember Flake also felt that working with the universities would be a real  
318 benefit.

319  
320 Mayor Fullmer called for further comments. Hearing none, she called for a motion.

321  
322 **Motion:** COUNCILMEMBER JUDD MOVED TO ALLOW VINEYARD CITY TO ENGAGE  
323 DESIGN WORKSHOP FOR THE CITY OF VINEYARD GENERAL PLAN UPDATE WITH  
324 THE PROPOSED COST AS PRESENTED. COUNCILMEMBER EARNEST SECONDED  
325 THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD,  
326 AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

327  
328  
329 **CLOSED SESSION**

330 No closed session was held.

331  
332  
333 **ADJOURNMENT**

334 Mayor Fullmer called for a motion to adjourn the meeting.

335  
336 **Motion:** COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 7:05 PM.  
337 COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER,  
338 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION  
339 CARRIED UNANIMOUSLY.

340  
341  
342  
343  
344  
345  
346 MINUTES APPROVED ON: \_\_\_\_\_

347  
348 CERTIFIED CORRECT BY: /s/ Pamela Spencer  
349 PAMELA SPENCER, CITY RECORDER



## VINEYARD CITY COUNCIL STAFF REPORT

**Meeting Date:** 06/27/2018

**Agenda Item:** 5 (b, c, d, e, f)

**Department:** Administration

**Presenter:** Jacob McHargue

---

**Background/Discussion:**

There are three purchases for your approval.

- b) Vac Truck
- c) Copier
- d) Fireworks
- e) Council Chambers Seating
- f) Server

**Fiscal Impact:**

- b) \$400,000
- c) \$6,798.89
- d) \$5,000
- e) \$20,000
- f) \$10,000

**Funding source:**

- b) mix of each of the enterprise funds and general fund
- c) 10-4325
- d) 10-7276
- e) 10-4328
- f) 10-4328

**Recommendation:**

Staff recommends approval of the purchases of all five items

**Sample Motion:**

I move to approve the consent items as presented by staff

**Attachments:**

Purchasing Contracts

# Purchasing Report

<b>Item</b>	<b>Description</b>	<b>Vendor</b>	<b>Price</b>	<b>Account</b>
VAC Truck	This is a large truck that can be used throughout public works	Vac-con	\$400,000	MISC
Copier	We need a new copier because staff is split into separate groups	Pacific Office Automation	\$6798,89	10-4325
Fireworks Contract	We are doing a firework show for the summer celebration	Pyrolux	\$5,000	10-7276
Council Chambers	We are planning to get new tables and chairs for the chambers	State Contract	\$20,000	10-4328
Server	We have outgrown our server, it needs to be upgraded	Bee-tech	10,000	10-4328

# LEASE FINANCING PROPOSAL

Requested by  
**Enviro-Clean Intermountain**

Representing



Presented To (As Lessee)  
**City of Vineyard, UT**

<b>Proposal Date:</b>	June 20, 2018
<b>Equipment Description:</b>	1- Vac-Con 311E/1300 Vacuum Truck and RAVO 5 Series Sweeper
<b>Commencement Date:</b>	July 15, 2018
<b><u>Option 1</u></b>	
<b>Equipment Cost:</b>	\$635,838
<b>Lessee Down Payment:</b>	
<b>Amount Financed:</b>	\$635,838
<b>Lease Term:</b>	7 Years
<b>First Payment Date:</b>	10/15/2018
<b>Payment Frequency:</b>	Annual
<b>Lease Rate:</b>	3.98%
<b>Payment Amount:</b>	\$102,832.30
<b>Payment Factor:</b>	0.16173

**Qualifications:**

- Pricing:** This is a lease proposal for the payment stream(s) indicated above. If any of the information identified above are not correct, please advise us so that we can determine if a new proposal is required. Other important elements of this proposal are:
  - Rate Expiration:** Signing this proposal does not in itself lock in your rate. This lease must be credit approved, contracts properly signed, and the lease funded by Leasing 2 within thirty days from the date of this proposal to protect the rates quoted.
  - Closing Costs:** There will be no up-front costs of any kind charged by Lessor including closing costs, points, administrative costs, etc. Your attorney may charge you to review the lease documents and complete the opinion letter required with our lease documentation.
  - Fixed Rates:** Rates for ten (10) years and under are fixed for the entire term. Terms over ten (10) years have a rate adjustment after five (5) and ten (10) years to the then current interest rate.
- Type of Lease:** This is a lease-purchase type of financing. After all the lease payments are made, Lessee will own the equipment without further cost.
- Financial Reporting:** All city, county and tax districts (including fire districts) will be expected to provide GAAP audited financial reports. All non-profit corporations (vfd's) will be expected to provide IRS 990 federal tax returns. If you do not maintain these types of financial reports, please contact us to discuss.
- Vendor Payable / Escrow Account (where applicable):** In the event that the truck(s) and/or equipment are not ready to be delivered, proceeds of this lease will be held in a vendor payable account until delivery/acceptance. This is a non-interest bearing account to Lessee.
- Credit Approval and Documentation:** This is a proposal only, and does not represent a commitment to lease. This financing is subject to credit review and approval and execution of mutually acceptable documentation, including the opinion of lessee's counsel opining that the agreement is legal, valid and binding, and qualified as a tax exempt obligation under the tax reform act of 1986 as amended.

**Lessor:** **Leasing 2, Inc.**  
**Contact:** **Rick Carney**  
**Phone:** 800-287-5155 x16  
**Date:** June 20, 2018  
**Email:** rcarney@leasing2.com  
**Web:** www.leasing2.com



**REQUEST TO PROCEED:**

When you are ready to proceed with Leasing 2 towards finalizing this lease financing arrangement, please indicate so by signing below and completing the requested information. We will immediately email you our application. Thank you for your confidence and consideration.

Proposal date: June 20, 2018

Option Chosen: \_\_\_\_\_ (where applicable)

Upcoming Governing Body meeting date for lease approval: \_\_\_\_\_

City of Vineyard, UT

Name of Lessee

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name Of Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Contact Name (If Different Than  
Authorized Signature)

\_\_\_\_\_  
Contact Phone

\_\_\_\_\_  
Contact E-Mail Address

\_\_\_\_\_  
Last month of your budget year?

*Please complete the above information and **fax or email** all pages of the proposal to  
**813-258-9333 / rcarney@leasing2.com***

**\*\* Important: A Resolution will be required with the lease contract \*\***

**In the event that you require board action to sign this proposal,  
please call us so that we may forward the preferred form for the meeting.**



**PACIFIC OFFICE AUTOMATION**

— PROBLEM SOLVED —

*Jacob McHargue*



**VINEYARD**

STAY CONNECTED

*Prepared By:*

*Carl Fusselman & Ryan Nitta*

**Proposed Solution:**

- 1-New Konica Minolta C458 (Color MFP 45ppm)
  - 5-DK-510 Copy Desk
  - 5-OT-506 Output Tray
  
- Cash Price \$6,798.89
- 36 Month FMV lease \$198.00/month
- 48 Month FMV lease \$157.00/month
- 60 Month FMV lease \$128.00/month

**Includes installation delivery and setup.**

**Maintenance:**

- Service to be billed at .049/Color image and .0072/ B&W image.
- Service includes toner, parts, and labor. With a 4hr guaranteed response time. Does not include paper and staples.

THIS CONTRACT (this "Contract") is made this 19 day of June, 2018 by and between PYROLUX, a Utah LLC ("PyroLux"), and Vineyard City, Jacob McHargue ("Sponsor"), with its principal place of business located in 125 S Main St. Vineyard, UT 84058.

WHEREAS, PyroLux is desirous of providing Sponsor with a fireworks exhibition and display for Sponsor's benefit under such terms and conditions as provided herein, and thereby, the parties agree as follows:

### **1. Fireworks Display.**

PyroLux shall sell, furnish, and deliver to Sponsor certain fireworks which PyroLux agrees to exhibit and display on June 30, 2018 in accordance with the program set forth and agreed upon at the time of the signing of this Contract, the specifics of which are set forth in the "Fireworks Exhibition and Display Program" attached hereto and incorporated herein by reference thereto (the "Fireworks Display")

### **2. Payment Schedule.**

For and in consideration of the Fireworks Display, Sponsor agrees to pay PyroLux the sum of 5,000.00 (the "Contract Price") paid as follows: a. 35% of the Contract Price due upon the signing of this Contract; b. The balance of the Contract Price due within seven(7) days of completion of the Fireworks Display.

Sponsor agrees to pay interest at the rate of 3.5% per month on any delinquent balance of the Contract Price until paid in full. Payment shall be made by certified check or otherwise as agreed by PyroLux to PyroLux at 1205 E. 550 S., Spanish Fork, UT 84660. Furthermore, in the event Sponsor fails to perform its obligations and responsibilities as set forth herein and it becomes necessary for PyroLux to enforce its rights by hiring an attorney, Sponsor shall be responsible for all attorneys' fees and costs incurred by PyroLux to collect said sums.

### **3. Display Responsibilities.**

PyroLux and Sponsor will collaborate in the performance of all tasks relating to the Fireworks Display. These tasks include, but are not limited to, (i) procuring and furnishing a place suitable for the Fireworks Display (the "Display Site"), (ii) applying for obtaining and securing all permits, licenses and approvals required by all applicable local, state and federal laws and regulations as well as those required by any local police and fire departments for the Fireworks Display (collectively, the "Required Approvals"), (iii) providing adequate private and/or public security, police and fire protection, (iv) securing adequate protection to preclude all individuals, other than those authorized by PyroLux, from entering the security area designated by PyroLux, (v) keeping unauthorized persons or personal or real property of any kind, including, without limitation, motor vehicles, outside of the Display Site, fallout area or safe zone. PyroLux and Sponsor shall fulfill their responsibilities as set forth herein in accordance with all local, state and federal rules, laws, orders and regulations, including those of the National Fire Protection Association(NFPA)

#### **4. Indemnification and Limitation of Liability.**

Sponsor shall indemnify, defend and hold PyroLux and its shareholders, directors, officers, employees, agents, representatives and insurers harmless from any and all demands, claims, causes of action, judgments or liability (including, without limitation, the costs of suit and reasonable costs of experts and attorneys) arising from damage to or destruction of property (including, without limitation, real and personal) or bodily or personal injuries (including, without limitation, death), whether arising from tort, contact or otherwise, that occur directly or indirectly from (a) the gross negligence or wilful misconduct of Sponsor or its employees, agents, contractors or representatives, or (b) the failure of Sponsor to comply with its obligation and responsibilities as set forth herein. PyroLux shall indemnify, defend and hold Sponsor harmless from any and all demands claims, causes of action, judgments or liability (including, without limitation, the costs of suit and reasonable costs of experts and attorneys) arising from damage to or destruction of property (including, without limitation, real and personal) or bodily or personal injuries (including without limitation, death), whether arising from tort, contact or otherwise that occur directly or indirectly from the gross negligence or wilful misconduct of PyroLux or its employees, agents, contractors or representatives. Sponsor shall not under any circumstances be entitled to recover any consequential, incidental, exemplary, special and/or punitive damages from PyroLux, including, without limitation, loss of income, business or profits.

#### **5. Postponement**

In the event that weather is such that PyroLux, in its sole and absolute discretion, determines that the Fireworks Display would be impossible, impractical or would unnecessarily increase the risk of damage or danger to person and/or property, the parties agree to immediately hold a postponement meeting at which time an attempt to reschedule the Fireworks Display shall be discussed with a view toward reaching a mutually satisfactory postponement time and/or date. In the event the mutually satisfactory postponement time and/or date is beyond the day following the scheduled Fireworks Display and it is impracticable for the personnel and equipment of PyroLux to remain at Sponsor's location until the rescheduled Fireworks Display date, then Sponsor shall pay the actual expenses incurred by PyroLux related to the postponement, which shall not exceed (35%) of the Contract Price. Actual expenses include, but are not limited to, expenses for travel lodging, labor, meals, rentals, permit fees, set-up and/or dismantling of display additional taxes or surcharges, or any other additional expenses that incurred prior to and/or as a result of the postponement or cancellation.

#### **6. Cancellation.**

If (i) Sponsor cancels this Contract for any reason, or (ii) PyroLux is unable to timely complete all tasks relating to the Fireworks Display in accordance with this Contract with the assistance of Sponsor and cancels this Contract despite both parties best efforts, liquidated damages for such cancellation shall be paid by Sponsor to PyroLux as follows: a. In the event the Fireworks Display is cancelled more than thirty (30) days before the date scheduled for the Fireworks Display, twenty-five percent (25%) of the amount of the Contract Price; b. In the event the Fireworks Display is cancelled no more than thirty (30) days and no less than four (4) days before the Contract, fifty percent (50%) of the Contract Price; c. If the fireworks Display is

cancelled no more than three (3) days but before the day scheduled for the Fireworks Display, seventy-five percent (75%) of the Contract Price; or d. On the day scheduled for the Fireworks Display, one hundred percent (100%) of the Contract Price.

In the event that Sponsor chooses to terminate this Contract, it shall do so by written notice via certified mail addressed to Pyrolux, 1205 E. 550 S., Spanish Fork, UT 84660. Notice shall be effective upon receipt of said written notice by PyroLux. Except as provided in Section 5 above with respect to weather postponement, in the event of circumstances beyond the control of either party, such as fire, strikes, delay, acts of God, or similar causes which prevent the delivery of materials or performances as set forth herein, the parties hereto release one another from any and all obligations and responsibilities contained herein.

**7. Legal Construction.**

If any provision of this Contract is held to be illegal, invalid or otherwise unenforceable, then: (a) the same shall not affect other terms or provisions of this Contract; and (b) such term or provision shall be deemed modified to the extent necessary to render such term or provision enforceable and the rights and obligation of the parties shall be construed and enforced accordingly, preserving to the fullest extent the intent and agreements of the parties set forth herein.

**8. Entire Agreement.**

This Contract and the Fireworks Exhibition and Display Program constitutes the entire agreement between the parties hereto, and there are no other understanding, either oral or written, regarding to the subject matter hereof.

IN WITNESS WHEREOF, the undersigned executed this Contract by and through their authorized representatives whose names appear below.

Jacob McHargue  
Sponsor Representative

Jason Turner  
PyroLux, LLC Representative



## VINEYARD CITY COUNCIL STAFF REPORT

**Meeting Date:** June 27, 2018

**Agenda Item:** 7.1 Final 2018-2019 Budget

**Department:** Finance

**Presenter:** Jacob McHargue

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**Background/Discussion:**

We have some changes to the budget moving money between funds.

**Fiscal Impact:**

No change, just moving money between departments

**Recommendation:**

The Finance Department recommends approving the proposed changes

**Sample Motion:**

I move to approve resolution 2018-09 to amend the 2018 fiscal year budget

**Attachments:**

Resolution

Budget Worksheet

**RESOLUTION NO. 2018-09**

A RESOLUTION AMENDING THE VINEYARD CITY BUDGET FOR THE 2017-2018 FISCAL YEAR.

WHEREAS, the city of Vineyard has previously adopted a budget for the 2017-2018 fiscal year in accordance with the Utah Fiscal Procedures Act for cities; and

WHEREAS, the city needs to now amend that adopted budget within the General Fund; and

NOW THEREFORE BE IT RESOLVED BY THE VINEYARD CITY COUNCIL AS FOLLOWS:

1. The attached exhibit A hereby adopted as the amended 2017-2018 fiscal year budget for the city of Vineyard.
2. This resolution shall take effect upon passing.

Passed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor Julie Fullmer

Attest:

\_\_\_\_\_  
Pamela Spencer, City Recorder

**Vineyard City**  
**Budgeting Worksheet**  
**10 General Fund - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	2015 Actual	2016 Actual	2017 Actual	2017 Budget	2018 Actual	Original Budget	Revised Budget	Worksheet Notes
<b>Change In Net Position</b>								
<b>Revenue:</b>								
<b>Taxes</b>								
3110 PROPERTY TAXES	810,050	1,124,352	1,511,529	1,500,000	1,863,267	1,725,500	1,800,000	
3130 SALES TAXES	181,778	310,548	572,252	542,000	616,542	561,200	640,000	
3138 FRANCHISE TAX	224,372	281,701	278,766	306,000	306,892	357,600	311,800	
<b>Total Taxes</b>	<b>1,216,200</b>	<b>1,716,601</b>	<b>2,362,547</b>	<b>2,348,000</b>	<b>2,786,701</b>	<b>2,644,300</b>	<b>2,751,800</b>	
<b>Licenses and permits</b>								
3210 BUSINESS LICENSES AND PERMITS	6,510	10,130	13,701	10,000	12,047	12,000	12,000	
3221 BUILDING PERMITS	675,566	903,601	2,028,116	2,000,000	1,500,756	1,150,000	1,300,000	
<b>Total Licenses and permits</b>	<b>682,076</b>	<b>913,731</b>	<b>2,041,817</b>	<b>2,010,000</b>	<b>1,512,803</b>	<b>1,162,000</b>	<b>1,312,000</b>	
<b>Intergovernmental revenue</b>								
3356 CLASS "C" ROAD FUND ALLOTMENT	19,582	26,251	78,070	25,000	151,818	50,000	150,000	
3360 GRANTS	0	0	0	0	41,230	0	82,460	
<b>Total Intergovernmental revenue</b>	<b>19,582</b>	<b>26,251</b>	<b>78,070</b>	<b>25,000</b>	<b>193,048</b>	<b>50,000</b>	<b>232,460</b>	
<b>Charges for services</b>								
3410 DEVELOPMENT FEES	245,269	361,688	487,812	450,200	484,217	312,500	450,000	
3510 SANITATION FEES	43,694	85,160	132,114	119,800	199,819	163,500	176,400	
3520 INSPECTION FEES	177,044	202,116	214,311	150,000	96,628	150,000	150,000	
<b>Total Charges for services</b>	<b>466,007</b>	<b>648,964</b>	<b>834,237</b>	<b>720,000</b>	<b>780,664</b>	<b>626,000</b>	<b>776,400</b>	
<b>Fines and forfeitures</b>								
3710 LAW ENFORCEMENT FINES & FEES	7,018	17,863	36,358	10,000	0	25,000	25,000	
<b>Total Fines and forfeitures</b>	<b>7,018</b>	<b>17,863</b>	<b>36,358</b>	<b>10,000</b>	<b>0</b>	<b>25,000</b>	<b>25,000</b>	
<b>Interest</b>								
3660 INTEREST EARNINGS	18,941	37,545	112,663	20,000	120,787	75,000	100,000	
<b>Total Interest</b>	<b>18,941</b>	<b>37,545</b>	<b>112,663</b>	<b>20,000</b>	<b>120,787</b>	<b>75,000</b>	<b>100,000</b>	
<b>Miscellaneous revenue</b>								
3620 RENTS AND CONCESSIONS	1,050	1,125	975	3,000	2,100	3,000	4,000	
3640 HISTORY BOOK	30	210	300	0	30	0	0	
3681 DONATIONS FROM PRIVATE SOURCES	2,825	3,300	1,049	3,000	2,938	1,000	1,000	
3690 SUNDRY REVENUES	1,188	168	1,328	0	3,532	0	0	
<b>Total Miscellaneous revenue</b>	<b>5,093</b>	<b>4,803</b>	<b>3,652</b>	<b>6,000</b>	<b>8,600</b>	<b>4,000</b>	<b>5,000</b>	
<b>Contributions and transfers</b>								
3699 EXCESS BEG. FUND APPROPRIATION	0	0	0	1,500,000	0	0	2,841,300	
<b>Total Contributions and transfers</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,500,000</b>	<b>0</b>	<b>0</b>	<b>2,841,300</b>	
<b>Total Revenue:</b>	<b>2,414,917</b>	<b>3,365,758</b>	<b>5,469,344</b>	<b>6,639,000</b>	<b>5,402,603</b>	<b>4,586,300</b>	<b>8,043,960</b>	
<b>Expenditures:</b>								
<b>General government</b>								
<b>Administrative</b>								
4311 Admin SALARIES AND WAGES	272,415	371,373	340,010	360,000	422,752	389,400	392,700	
4313 Admin EMPLOYEE BENEFITS	49,714	82,462	68,934	90,700	78,506	101,600	101,500	
4321 Admin BOOKS/SUBSCRIPTIONS/MEMBERSHP	5,939	6,746	7,004	12,100	9,492	9,600	9,800	
4322 Admin PUBLIC NOTICES	2,111	1,285	2,020	2,500	2,203	3,000	3,000	

**Vineyard City**  
**Budgeting Worksheet**  
**10 General Fund - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	2015 Actual	2016 Actual	2017 Actual	2017 Budget	2018 Actual	Original Budget	Revised Budget	Worksheet Notes
4323 Admin TRAVEL	5,694	6,974	14,680	17,100	13,739	19,800	20,300	
4324 Admin OFFICE SUPPLIES AND EXPENSE	8,480	15,559	38,243	43,500	14,721	24,500	24,500	
4325 Admin EQUIPMENT-SUPPLIES & MAINT	5,417	3,222	45,793	55,000	37,280	11,000	55,000	
4326 Admin INFORMATION SYSTEMS	11,355	35,374	72,476	75,500	48,922	50,500	50,500	
4327 Admin UTILITIES	26,082	33,260	54,751	66,800	56,689	75,900	75,900	
4328.0 Admin ADMINISTRATIVE COSTS	56,349	112,293	32,247	40,000	24,944	54,000	57,000	
4333 Admin EDUCATION & TRAINING	6,355	15,907	7,874	13,200	8,881	16,000	16,400	
4342 Admin BANK CHARGES	3,720	5,468	8,642	8,400	12,051	8,700	13,800	
4349 Admin ELECTIONS	393	1,606	62	0	5,412	4,000	6,000	
4351 Admin INSURANCE AND SURETY BONDS	14,855	20,628	38,154	43,500	32,468	41,500	41,500	
4374 Admin Capital Outlay	0	0	0	0	2,750,197	0	2,751,000	
<b>Total Administrative</b>	<b>468,879</b>	<b>712,157</b>	<b>730,890</b>	<b>828,300</b>	<b>3,518,257</b>	<b>809,500</b>	<b>3,618,900</b>	
<b>Non-Departmental</b>								
5031.1 Prof & Tech Services PLANNER	31,372	39,610	3,625	5,000	7,407	7,500	32,500	
5031.2 Prof & Tech Services ENGINEER	285,775	288,606	263,084	275,000	126,725	100,000	125,000	
5031.4 Prof & Tech Services AUDITOR	7,600	7,600	7,600	7,600	8,000	7,600	8,000	
5032.0 Prof & Tech Services LEGAL	14,400	14,160	14,400	15,000	12,080	15,000	15,000	
5051.0 Prof & Tech Services LIBRARY REIM FEES	3,656	6,330	9,556	10,000	15,447	18,000	19,300	
<b>Total Non-Departmental</b>	<b>342,803</b>	<b>356,306</b>	<b>298,265</b>	<b>312,600</b>	<b>169,659</b>	<b>148,100</b>	<b>199,800</b>	
<b>Buildings and grounds</b>								
5125.0 Buildings & Grounds EQUIPMENT MAINT	2,390	22,753	17,650	24,000	13,386	25,000	25,000	
5126.0 Buildings & Grounds SUPPLIES & MAINT	242	4,787	7,974	11,500	14,237	13,000	17,000	
51740 Public Works Capital Outlay	0	51,055	76,935	77,000	42,199	45,000	45,000	
<b>Total Buildings and grounds</b>	<b>2,632</b>	<b>78,595</b>	<b>102,559</b>	<b>112,500</b>	<b>69,822</b>	<b>83,000</b>	<b>87,000</b>	
<b>Inspections</b>								
5311 Building SALARIES & WAGES	86,990	79,057	416,669	482,400	497,449	581,300	519,800	
5313 Building EMPLOYEE BENEFITS	0	0	78,081	143,900	108,592	170,400	156,800	
5321 Building BOOKS & MEMBERSHIPS	0	135	4,317	4,900	2,105	3,500	3,500	
5323 Building TRAVEL	0	0	4,190	5,000	5,670	7,200	7,200	
5324 Building EDUCATION & TRAINING	0	0	8,066	7,800	10,278	11,700	14,700	
5325 Building OFFICE SUPPLIES	0	0	30,394	28,500	6,697	6,400	22,900	
5326 Building EQUIPMENT & MAINT	0	42	1,410	2,000	1,245	3,500	3,500	
5327 Building CONTRACT LABOR	0	0	106,979	110,000	117,041	217,200	120,000	
<b>Total Inspections</b>	<b>86,990</b>	<b>79,234</b>	<b>650,106</b>	<b>784,500</b>	<b>749,077</b>	<b>1,001,200</b>	<b>848,400</b>	
<b>Total General government</b>	<b>901,304</b>	<b>1,226,292</b>	<b>1,781,820</b>	<b>2,037,900</b>	<b>4,506,815</b>	<b>2,041,800</b>	<b>4,754,100</b>	
<b>Public safety</b>								
<b>Police</b>								
5431.0 Police LAW ENFORCEMENT	49,553	119,128	291,233	298,000	409,031	577,200	577,200	
5431.1 Police FIRE SERVICES	178,750	284,685	412,652	446,000	556,433	596,900	610,000	
5431.2 Police DISPATCH	8,480	9,989	9,569	15,000	19,849	20,000	25,000	
<b>Total Police</b>	<b>236,783</b>	<b>413,802</b>	<b>713,454</b>	<b>759,000</b>	<b>985,313</b>	<b>1,194,100</b>	<b>1,212,200</b>	
<b>Total Public safety</b>	<b>236,783</b>	<b>413,802</b>	<b>713,454</b>	<b>759,000</b>	<b>985,313</b>	<b>1,194,100</b>	<b>1,212,200</b>	
<b>Highways and public improvements</b>								
<b>Highways</b>								

**Vineyard City**  
**Budgeting Worksheet**  
**10 General Fund - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	<u>2015</u> Actual	<u>2016</u> Actual	<u>2017</u> Actual	<u>2017</u> Budget	<u>2018</u> Actual	<u>Original</u> Budget	<u>Revised</u> Budget	<u>Worksheet</u> Notes
6011.0 Public Works SALARIES AND WAGES	1,464	61,022	106,150	119,000	139,337	115,000	125,000	
6013.0 Public Works EMPLOYEE BENEFITS	0	3,893	15,328	34,000	31,391	37,000	40,000	
6023.0 Public Works TRAVEL	0	0	0	0	3,054	8,300	8,300	
6024.0 Public Works EDUCATION & TRAINING	0	0	0	0	2,534	10,000	10,000	
6025.0 Public Works EQUIPMENT-SUPPLIES & MAIN	7,154	15,361	11,991	36,000	45,253	36,900	119,400	
6031.0 Streets PROF & TECHNICAL SERVICES	28,300	32,380	124,039	103,500	43,704	103,500	103,500	
6032.0 Public Works REPAIRS & MAINTENANCE	16,583	134,373	31,969	35,000	13,060	40,000	40,000	
<b>Total Highways</b>	<b>53,501</b>	<b>247,029</b>	<b>289,477</b>	<b>327,500</b>	<b>278,333</b>	<b>350,700</b>	<b>446,200</b>	
<b>Sanitation</b>								
5235.0 Sanitation SERVICES	36,886	71,611	106,186	122,500	167,587	136,100	186,800	
<b>Total Sanitation</b>	<b>36,886</b>	<b>71,611</b>	<b>106,186</b>	<b>122,500</b>	<b>167,587</b>	<b>136,100</b>	<b>186,800</b>	
<b>Total Highways and public improvements</b>	<b>90,387</b>	<b>318,640</b>	<b>395,663</b>	<b>450,000</b>	<b>445,920</b>	<b>486,800</b>	<b>633,000</b>	
<b>Parks, recreation, and public property</b>								
<b>Recreation</b>								
7211 Parks SALARIES AND WAGES	0	0	0	0	20,659	52,300	40,700	
7213 Parks EMPLOYEE BENEFITS	0	0	0	0	1,173	7,100	7,200	
7248.0 Public Works DEPT SUPPLIES	3,802	1,229	35,743	37,500	8,128	7,500	15,000	
7260.0 Parks SUPPLIES	4,872	7,927	4,794	10,000	9,262	13,000	13,000	
7270.0 Parks MAINTENANCE	41,572	37,847	68,530	70,000	72,169	120,000	165,000	
7276.0 YOUTH COUNCIL	8,728	8,413	12,405	13,000	7,131	15,000	15,000	
<b>Total Recreation</b>	<b>58,974</b>	<b>55,416</b>	<b>121,472</b>	<b>130,500</b>	<b>118,522</b>	<b>214,900</b>	<b>255,900</b>	
<b>Total Parks, recreation, and public property</b>	<b>58,974</b>	<b>55,416</b>	<b>121,472</b>	<b>130,500</b>	<b>118,522</b>	<b>214,900</b>	<b>255,900</b>	
<b>Transfers</b>								
9505.0 TRANSFER TO CAPITAL PROJ FUND	711,850	800,000	3,261,600	3,261,600	0	648,700	1,198,760	
<b>Total Transfers</b>	<b>711,850</b>	<b>800,000</b>	<b>3,261,600</b>	<b>3,261,600</b>	<b>0</b>	<b>648,700</b>	<b>1,198,760</b>	
<b>Total Expenditures:</b>	<b>1,999,298</b>	<b>2,814,150</b>	<b>6,274,009</b>	<b>6,639,000</b>	<b>6,056,570</b>	<b>4,586,300</b>	<b>8,053,960</b>	
<b>Total Change In Net Position</b>	<b>415,619</b>	<b>551,608</b>	<b>(804,665)</b>	<b>0</b>	<b>(653,967)</b>	<b>0</b>	<b>(10,000)</b>	

**Vineyard City**  
**Budgeting Worksheet**  
**23 Impact Fees - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	2015 Actual	2016 Actual	2017 Actual	2017 Budget	2018 Actual	Original Budget	Revised Budget	Worksheet Notes
<b>Change In Net Position</b>								
<b>Revenue:</b>								
<b>Interest</b>								
3810.0 INTEREST EARNINGS - PUBLIC SAF	500	367	0	0	0	0	0	
3820.0 INTEREST EARNINGS - ROADWAY	505	4,716	18,500	6,000	34,141	6,000	6,000	
3840.0 INTEREST EARNINGS - STORM SYST	3	4	6	0	9	0	0	
<b>Total Interest</b>	<b>1,008</b>	<b>5,087</b>	<b>18,506</b>	<b>6,000</b>	<b>34,150</b>	<b>6,000</b>	<b>6,000</b>	
<b>Miscellaneous revenue</b>								
3120.0 ROADWAY FACILITIES	639,264	887,385	1,589,437	487,200	1,343,731	487,200	1,200,000	
3150.0 STORM & GROUND WATER FACILITIES	44,682	67,499	48,528	50,000	32,689	50,000	50,000	
3890 EXCESS BEG. FUND APPROPRIATION	0	0	0	0	0	706,800	540,000	
<b>Total Miscellaneous revenue</b>	<b>683,946</b>	<b>954,884</b>	<b>1,637,965</b>	<b>537,200</b>	<b>1,376,420</b>	<b>1,244,000</b>	<b>1,790,000</b>	
<b>Total Revenue:</b>	<b>684,954</b>	<b>959,971</b>	<b>1,656,471</b>	<b>543,200</b>	<b>1,410,570</b>	<b>1,250,000</b>	<b>1,796,000</b>	
<b>Expenditures:</b>								
<b>Miscellaneous</b>								
4061.0 ROADWAY FACILITIES	95,880	117,240	275,193	350,000	1,667,333	1,200,000	1,740,000	
4064.0 STORM & GROUND WATER FACILITIE	43,136	66,389	45,832	50,000	29,993	0	50,000	
<b>Total Miscellaneous</b>	<b>139,016</b>	<b>183,629</b>	<b>321,025</b>	<b>400,000</b>	<b>1,697,326</b>	<b>1,200,000</b>	<b>1,790,000</b>	
<b>Total Expenditures:</b>	<b>139,016</b>	<b>183,629</b>	<b>321,025</b>	<b>400,000</b>	<b>1,697,326</b>	<b>1,200,000</b>	<b>1,790,000</b>	
<b>Total Change In Net Position</b>	<b>545,938</b>	<b>776,342</b>	<b>1,335,446</b>	<b>143,200</b>	<b>(286,756)</b>	<b>50,000</b>	<b>6,000</b>	

**Vineyard City**  
**Budgeting Worksheet**  
**25 Redvelopment Agency - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	2015 Actual	2016 Actual	2017 Actual	2017 Budget	2018 Actual	Original Budget	Revised Budget	Worksheet Notes
<b>Change In Net Position</b>								
<b>Revenue:</b>								
<b>Taxes</b>								
3110 PROPERTY TAX INCREMENT	4,605,741	3,758,914	5,703,340	5,534,760	6,786,593	6,152,200	6,786,593	
3112 PROPERTY TAX HOUSING	0	1,029,840	0	0	0	0	0	
3113 PROPERTY TAX ADMIN	0	360,444	364,043	353,283	357,189	323,800	357,189	
<b>Total Taxes</b>	<b>4,605,741</b>	<b>5,149,198</b>	<b>6,067,383</b>	<b>5,888,043</b>	<b>7,143,782</b>	<b>6,476,000</b>	<b>7,143,782</b>	
<b>Interest</b>								
3660 INTEREST INCOME	62,010	162,581	335,306	37,000	847,726	37,000	500,000	
<b>Total Interest</b>	<b>62,010</b>	<b>162,581</b>	<b>335,306</b>	<b>37,000</b>	<b>847,726</b>	<b>37,000</b>	<b>500,000</b>	
<b>Miscellaneous revenue</b>								
3430 ADMINISTRATIVE COSTS	0	67,035	34,875	34,864	0	0	0	
3820 BOND PROCEEDS	0	16,157,372	15,576,000	13,907,000	30,552,034	30,000,000	30,000,000	
<b>Total Miscellaneous revenue</b>	<b>0</b>	<b>16,224,407</b>	<b>15,610,875</b>	<b>13,941,864</b>	<b>30,552,034</b>	<b>30,000,000</b>	<b>30,000,000</b>	
<b>Contributions and transfers</b>								
3960 EXCESS BEG. FUND APPROPRIATION	0	0	0	5,031,510	0	0	0	
<b>Total Contributions and transfers</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,031,510</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total Revenue:</b>	<b>4,667,751</b>	<b>21,536,186</b>	<b>22,013,564</b>	<b>24,898,417</b>	<b>38,543,542</b>	<b>36,513,000</b>	<b>37,643,782</b>	
<b>Expenditures:</b>								
<b>Miscellaneous</b>								
5500 RDA Salaries & Wages	69,180	80,615	161,174	165,000	171,179	179,700	185,100	
5510 Employee Benefits	15,883	19,105	30,789	37,400	37,805	52,400	53,100	
5520 PUBLIC NOTICES	90	1,523	0	2,000	0	2,000	2,000	
5531 PROF & TECH - GENERAL	20,202	74,729	60,981	64,000	57,606	57,600	57,600	
5532 PROF & TECH - PLANNER	6,068	3,746	1,272	0	0	0	0	
5533 PROF & TECH - ENGINEER	11,801	119,849	250,140	250,000	119,499	100,000	150,000	
5534 PROF & TECH - FIN PLAN	28,700	153,500	140,580	141,000	33,150	30,000	33,200	
5535 PROF & TECH - AUDITOR	2,400	2,400	2,400	2,400	4,000	2,400	4,000	
5537 ADMINISTRATIVE FEE	68,940	72,226	0	0	0	0	0	
5540 HOUSING FUND	0	0	249,683	400,000	253,242	280,000	280,000	
5542 TIFF PAYMENTS	216,646	27,208	700,313	963,200	1,024,712	1,253,100	1,665,000	
5600 Bond issuance costs	0	0	0	0	106,650	100,000	115,000	
8010 DEBT PRINCIPAL PAYMENTS	670,000	688,000	20,469,000	18,800,000	3,429,580	3,371,000	3,371,000	
8020 DEBT INTEREST PAYMENT	615,737	597,636	1,046,417	1,046,417	1,258,540	1,516,900	1,516,900	
9070 CAPITAL PROJECTS	2,602,070	2,881,806	2,720,568	3,027,000	3,769,252	28,700,000	10,611,000	
<b>Total Miscellaneous</b>	<b>4,327,717</b>	<b>4,722,343</b>	<b>25,833,317</b>	<b>24,898,417</b>	<b>10,265,215</b>	<b>35,645,100</b>	<b>18,043,900</b>	
<b>Transfers</b>								
9552 TRANSFER TO SEWER FUND	889,931	0	0	0	0	0	0	
9680 Budgeted Increase in Fund Balance	0	0	0	0	0	867,900	19,599,882	
<b>Total Transfers</b>	<b>889,931</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>867,900</b>	<b>19,599,882</b>	
<b>Total Expenditures:</b>	<b>5,217,648</b>	<b>4,722,343</b>	<b>25,833,317</b>	<b>24,898,417</b>	<b>10,265,215</b>	<b>36,513,000</b>	<b>37,643,782</b>	
<b>Total Change In Net Position</b>	<b>(549,897)</b>	<b>16,813,843</b>	<b>(3,819,753)</b>	<b>0</b>	<b>28,278,327</b>	<b>0</b>	<b>0</b>	

**Vineyard City**  
**Budgeting Worksheet**  
**45 Park Capital Projects - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

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**Vineyard City**  
**Budgeting Worksheet**  
**49 Capital Projects - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	2015 Actual	2016 Actual	2017 Actual	2017 Budget	2018 Actual	Original Budget	Revised Budget	Worksheet Notes
<b>Change In Net Position</b>								
<b>Revenue:</b>								
<b>Contributions and transfers</b>								
3010.0 TRANSFER FROM GENERAL FUND	711,850	800,000	3,261,600	3,261,600	0	526,900	653,960	
3890 EXCESS BEG. FUND APPROPRIATION	0	0	0	1,440,000	0	356,900	3,359,010	
<b>Total Contributions and transfers</b>	<b>711,850</b>	<b>800,000</b>	<b>3,261,600</b>	<b>4,701,600</b>	<b>0</b>	<b>883,800</b>	<b>4,012,970</b>	
<b>Total Revenue:</b>	<b>711,850</b>	<b>800,000</b>	<b>3,261,600</b>	<b>4,701,600</b>	<b>0</b>	<b>883,800</b>	<b>4,012,970</b>	
<b>Expenditures:</b>								
<b>Miscellaneous</b>								
4031.0 PROF & TECHINAL SERVICES	0	0	0	0	486	0	0	
4032.0 CONSTRUCTION	169,667	489,167	1,398,911	1,440,000	331,165	812,000	718,000	
<b>Total Miscellaneous</b>	<b>169,667</b>	<b>489,167</b>	<b>1,398,911</b>	<b>1,440,000</b>	<b>331,651</b>	<b>812,000</b>	<b>718,000</b>	
<b>Transfers</b>								
4094.0 TRANSFER TO GENERAL FUND	0	0	0	0	0	0	2,750,200	
4096.0 TRANSFER TO WATER FUND	0	0	0	0	0	0	190,100	
4097.0 TRANSFER TO SEWER FUND	0	91,851	0	0	0	46,800	95,370	
4098.0 TRANSFER TO STORM WATER FUND	0	0	0	0	0	25,000	19,000	
4099.0 TRANSFER TO TRANSPORATION FUND	0	0	0	0	0	0	240,300	
4890 Budgeted Increase in Fund Balance	0	0	0	3,261,600	0	0	0	
<b>Total Transfers</b>	<b>0</b>	<b>91,851</b>	<b>0</b>	<b>3,261,600</b>	<b>0</b>	<b>71,800</b>	<b>3,294,970</b>	
<b>Total Expenditures:</b>	<b>169,667</b>	<b>581,018</b>	<b>1,398,911</b>	<b>4,701,600</b>	<b>331,651</b>	<b>883,800</b>	<b>4,012,970</b>	
<b>Total Change In Net Position</b>	<b>542,183</b>	<b>218,982</b>	<b>1,862,689</b>	<b>0</b>	<b>331,651</b>	<b>0</b>	<b>0</b>	

**Vineyard City**  
**Budgeting Worksheet**  
**51 Water Fund - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	2015 Actual	2016 Actual	2017 Actual	2017 Budget	2018 Actual	Original Budget	Revised Budget	Worksheet Notes
<b>Income or Expense</b>								
<b>Income From Operations:</b>								
<b>Operating income</b>								
3710.0 WATER FEES	216,415	390,882	687,095	650,000	837,097	692,500	849,700	
3720.0 CONNECTION FEES	109,732	115,952	268,958	250,000	192,934	109,500	161,000	
3730.0 RECONNECTION FEES	0	0	0	1,000	0	1,000	1,000	
<b>Total Operating income</b>	<b>326,147</b>	<b>506,834</b>	<b>956,053</b>	<b>901,000</b>	<b>1,030,031</b>	<b>803,000</b>	<b>1,011,700</b>	
<b>Operating expense</b>								
4011.0 SALARIES AND WAGES	0	52,291	82,515	97,600	172,029	203,400	205,600	
4013.0 EMPLOYEE BENEFITS	0	2,265	14,361	29,400	30,428	57,900	60,300	
4021.0 BOOKS/SUBSCRIPTIONS/MEMBERSHPS	0	705	975	1,000	375	1,000	1,000	
4023.0 TRAVEL	0	0	0	1,800	1,500	2,700	2,700	
4025.0 EQUIPMENT-SUPPLIES & MAINT	49,253	93,596	157,577	160,000	174,291	113,000	173,000	
4027.0 UTILITIES	741	857	6,255	6,000	10,677	8,700	8,700	
4031.0 PROF & TECHNICAL SERVICES	27,551	5,748	16,068	15,000	8,705	5,000	5,000	
4031.2 CUWD PROJECT WATER ALLOT FEE	15,874	20,148	5,323	6,000	5,323	30,000	30,000	
4031.3 OREM - FISCAL YEAR -WATER BILL	179,343	217,588	260,744	264,000	295,260	272,600	332,500	
4031.5 LINDON - WATER BILL	8,249	9,241	7,239	9,000	21,549	9,000	30,000	
4031.6 CUWCD - WATER BILL	23,856	37,560	274,054	130,000	123,860	100,000	357,000	
4067.0 DEPRECIATION	69,041	68,530	68,530	0	0	0	68,530	
<b>Total Operating expense</b>	<b>373,908</b>	<b>508,529</b>	<b>893,641</b>	<b>719,800</b>	<b>843,997</b>	<b>803,300</b>	<b>1,274,330</b>	
<b>Total Income From Operations:</b>	<b>(47,761)</b>	<b>(1,695)</b>	<b>62,412</b>	<b>181,200</b>	<b>186,034</b>	<b>(300)</b>	<b>(262,630)</b>	
<b>Non-Operating Items:</b>								
<b>Non-operating income</b>								
3760.0 IMPACT FEE-CULINARY & IRRIGATIO	288,234	290,245	661,740	174,600	406,933	0	0	
3770 ADMINISTRATIVE COSTS	0	0	170	0	0	0	0	
3810.0 INTEREST EARNINGS	4,159	4,298	6,975	4,000	3,930	4,000	4,000	
3910 Transfer from general fund	0	0	0	0	0	0	190,100	
<b>Total Non-operating income</b>	<b>292,393</b>	<b>294,543</b>	<b>668,885</b>	<b>178,600</b>	<b>410,863</b>	<b>4,000</b>	<b>194,100</b>	
<b>Total Non-Operating Items:</b>	<b>292,393</b>	<b>294,543</b>	<b>668,885</b>	<b>178,600</b>	<b>410,863</b>	<b>4,000</b>	<b>194,100</b>	
<b>Total Income or Expense</b>	<b>244,632</b>	<b>292,848</b>	<b>731,297</b>	<b>359,800</b>	<b>596,897</b>	<b>3,700</b>	<b>(68,530)</b>	

**Vineyard City**  
**Budgeting Worksheet**  
**52 Sewer Fund - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	2015 Actual	2016 Actual	2017 Actual	2017 Budget	2018 Actual	Original Budget	Revised Budget	Worksheet Notes
<b>Income or Expense</b>								
<b>Income From Operations:</b>								
<b>Operating income</b>								
3710.0 SEWER FEES	68,886	173,175	393,652	380,000	492,411	427,000	507,030	
<b>Total Operating income</b>	<b>68,886</b>	<b>173,175</b>	<b>393,652</b>	<b>380,000</b>	<b>492,411</b>	<b>427,000</b>	<b>507,030</b>	
<b>Operating expense</b>								
4011.0 SALARIES AND WAGES	600	38,422	65,879	72,700	96,474	101,600	111,500	
4013.0 EMPLOYEE BENEFITS	0	2,265	11,218	23,900	17,759	30,500	26,000	
4023.0 TRAVEL	0	0	0	600	0	900	900	
4025.0 EQUIPMENT-SUPPLIES & MAINT	5,555	19,215	12,210	15,000	65,617	89,500	101,500	
4027.0 UTILITIES	9,237	10,287	7,045	13,000	18,512	13,000	20,000	
4031.0 PROF & TECHNICAL SERVICES	14,862	0	0	0	0	0	0	
4031.1 LINDON - SEWER BILL	3,798	2,685	1,231	5,000	3,165	5,000	5,000	
4031.2 OREM - SEWER BILL	27,197	33,185	44,118	42,000	29,996	42,000	37,500	
4031.3 TSSD- SEWER BILL	0	123,869	192,880	196,000	260,366	192,000	300,000	
4067.0 DEPRECIATION	262,775	262,772	262,774	0	0	262,800	262,800	
<b>Total Operating expense</b>	<b>324,024</b>	<b>492,700</b>	<b>597,355</b>	<b>368,200</b>	<b>491,889</b>	<b>737,300</b>	<b>865,200</b>	
<b>Total Income From Operations:</b>	<b>(255,138)</b>	<b>(319,525)</b>	<b>(203,703)</b>	<b>11,800</b>	<b>522</b>	<b>(310,300)</b>	<b>(358,170)</b>	
<b>Non-Operating Items:</b>								
<b>Non-operating income</b>								
3760.0 IMPACT FEE-SEWER	980,547	580,383	588,191	478,200	524,424	478,200	478,200	
3769.0 TSSD IMPACT FEE	0	0	2,784	0	1,879	0	0	
3910 Transfer from general fund	0	91,851	0	0	0	46,800	95,370	
3925 TRANSFER FROM RDA	889,931	0	0	0	0	0	0	
<b>Total Non-operating income</b>	<b>1,870,478</b>	<b>672,234</b>	<b>590,975</b>	<b>478,200</b>	<b>526,303</b>	<b>525,000</b>	<b>573,570</b>	
<b>Total Non-Operating Items:</b>	<b>1,870,478</b>	<b>672,234</b>	<b>590,975</b>	<b>478,200</b>	<b>526,303</b>	<b>525,000</b>	<b>573,570</b>	
<b>Total Income or Expense</b>	<b>1,615,340</b>	<b>352,709</b>	<b>387,272</b>	<b>490,000</b>	<b>526,825</b>	<b>214,700</b>	<b>215,400</b>	

**Vineyard City**  
**Budgeting Worksheet**  
**53 Storm Water Fund - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	2015 Actual	2016 Actual	2017 Actual	2017 Budget	2018 Actual	Original Budget	Revised Budget	Worksheet Notes
<b>Income or Expense</b>								
<b>Income From Operations:</b>								
<b>Operating income</b>								
3710 STORM WATER FEES	0	57,038	69,598	71,000	86,595	79,300	85,400	
3760 IMPACT FEE-STORM WATER	0	0	2,688	0	337	0	0	
<b>Total Operating income</b>	<b>0</b>	<b>57,038</b>	<b>72,286</b>	<b>71,000</b>	<b>86,932</b>	<b>79,300</b>	<b>85,400</b>	
<b>Operating expense</b>								
4011 SALARIES AND WAGES	0	40,455	48,637	50,650	66,250	67,200	66,800	
4013 EMPLOYEE BENEFITS	0	5,230	9,181	10,000	13,432	22,100	22,600	
4021 BOOKS/SUBSCRIPTIONS/MEMBERSHPS	0	0	537	1,200	430	0	0	
4025 EQUIPMENT-SUPPLIES & MAINT	0	0	0	0	1,321	15,000	15,000	
4031 PROF & TECHNICAL SERVICES	0	500	550	550	0	0	0	
<b>Total Operating expense</b>	<b>0</b>	<b>46,185</b>	<b>58,905</b>	<b>62,400</b>	<b>81,433</b>	<b>104,300</b>	<b>104,400</b>	
<b>Total Income From Operations:</b>	<b>0</b>	<b>10,853</b>	<b>13,381</b>	<b>8,600</b>	<b>5,499</b>	<b>(25,000)</b>	<b>(19,000)</b>	
<b>Non-Operating Items:</b>								
<b>Non-operating income</b>								
3910 Transfer from general fund	0	0	0	0	0	25,000	19,000	
<b>Total Non-operating income</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>25,000</b>	<b>19,000</b>	
<b>Total Non-Operating Items:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>25,000</b>	<b>19,000</b>	
<b>Total Income or Expense</b>	<b>0</b>	<b>10,853</b>	<b>13,381</b>	<b>8,600</b>	<b>5,499</b>	<b>0</b>	<b>0</b>	

**Vineyard City**  
**Budgeting Worksheet**  
**54 Transportation Utility Fund - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	2015 Actual	2016 Actual	2017 Actual	2017 Budget	2018 Actual	Original Budget	Revised Budget	Worksheet Notes
<b>Income or Expense</b>								
<b>Income From Operations:</b>								
<b>Operating income</b>								
3710 TRANSPORTATION UTILITY FEES	0	23,069	34,034	34,000	50,728	36,900	36,900	
<b>Total Operating income</b>	<b>0</b>	<b>23,069</b>	<b>34,034</b>	<b>34,000</b>	<b>50,728</b>	<b>36,900</b>	<b>36,900</b>	
<b>Operating expense</b>								
4011 SALARIES AND WAGES	0	4,268	6,506	6,700	5,466	5,400	5,400	
4013 EMPLOYEE BENEFITS	0	471	1,209	2,100	1,275	1,700	1,800	
4026 BLDG SUPPLIES & MAINTENANCE	0	0	0	700	0	0	0	
4031 PROF & TECHNICAL SERVICES	0	0	0	0	0	51,000	270,000	
4066 IMPACT FEE-TRANSPORTATION	0	0	527	0	0	0	0	
<b>Total Operating expense</b>	<b>0</b>	<b>4,739</b>	<b>8,242</b>	<b>9,500</b>	<b>6,741</b>	<b>58,100</b>	<b>277,200</b>	
<b>Total Income From Operations:</b>	<b>0</b>	<b>18,330</b>	<b>25,792</b>	<b>24,500</b>	<b>43,987</b>	<b>(21,200)</b>	<b>(240,300)</b>	
<b>Non-Operating Items:</b>								
<b>Non-operating income</b>								
3910 Transfer from general fund	0	0	0	0	0	50,000	240,300	
<b>Total Non-operating income</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>50,000</b>	<b>240,300</b>	
<b>Total Non-Operating Items:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>50,000</b>	<b>240,300</b>	
<b>Total Income or Expense</b>	<b>0</b>	<b>18,330</b>	<b>25,792</b>	<b>24,500</b>	<b>43,987</b>	<b>28,800</b>	<b>0</b>	

**Vineyard City**  
**Budgeting Worksheet**  
**91 General Fixed Assets - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	<u>2015</u> Actual	<u>2016</u> Actual	<u>2017</u> Actual	<u>2017</u> Budget	<u>2018</u> Actual	<u>Original</u> Budget	<u>Revised</u> Budget	<u>Worksheet</u> Notes
<b>Change In Net Position</b>								
<b>Expenditures:</b>								
<b>Miscellaneous</b>								
4100 Depn exp general government	17,036	17,829	23,024	0	0	0	0	
4400 Depn exp highway and public works	311,974	317,042	755,112	0	0	0	0	
4500 Depn exp parks and recreation	2,597	3,805	3,805	0	0	0	0	
<b>Total Miscellaneous</b>	<b>331,607</b>	<b>338,676</b>	<b>781,941</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total Expenditures:</b>	<b>331,607</b>	<b>338,676</b>	<b>781,941</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total Change In Net Position</b>	<b>331,607</b>	<b>338,676</b>	<b>781,941</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**Vineyard City**  
**Budgeting Worksheet**  
**95 Governmental Long-term Liabilities - 07/01/2017 to 06/22/2018**  
**100.00% of the fiscal year has expired**

	<u>2015</u> Actual	<u>2016</u> Actual	<u>2017</u> Actual	<u>2017</u> Budget	<u>2018</u> Actual	<u>Original</u> Budget	<u>Revised</u> Budget	<u>Worksheet</u> Notes
<b>Change In Net Position</b>								
<b>Expenditures:</b>								
<b>Miscellaneous</b>								
4101 Pension expense	(21,859)	(18,393)	10,069	0	0	0	0	
<b>Total Miscellaneous</b>	<u>(21,859)</u>	<u>(18,393)</u>	<u>10,069</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
<b>Total Expenditures:</b>	<u>(21,859)</u>	<u>(18,393)</u>	<u>10,069</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
<b>Total Change In Net Position</b>	<u>(21,859)</u>	<u>(18,393)</u>	<u>10,069</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	



## VINEYARD CITY COUNCIL STAFF REPORT

**Meeting Date:** 06/27/2018

**Agenda Item:** 7.2 Municipal Code Amendment – Business Licensing

**Department:** Business Licensing

**Presenter:** Kelly Kloepfer

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**Background/Discussion:**

Business License Required: Staff felt it was necessary to update the wording in Section 5.02.020.

Solicitors: After a review of the current Chapter 5.12 Solicitors, Canvassers, Peddlers and Itinerant Merchants, staff decided to adopt changes recommended by the League of Cities and Towns after another city was sued several years ago. Chapter 5.12 Solicitors will also include Canvassers and Peddlers. These changes will protect the city from similar lawsuits and bring us in line with the policies of surrounding cities.

Itinerant Merchants: Staff desires to create Chapter 5.14, moving the Itinerant Merchant text to this Chapter. In the near future, staff will be proposing text amendments to this Chapter.

Mobile Food Businesses: Due to the passage of SB 250 by the State Legislature last year, and SB 167 this year, Chapter 5.16 Mobile Food Businesses of the Vineyard Municipal Code is in need of amendments to bring our city into compliance.

**Fiscal Impact:**

Staff does not foresee any fiscal impact because of these changes.

**Recommendation:**

The Business Licensing Department recommends approval of the Municipal Code changes as presented in the attachment.

**Sample Motion:**

I move to adopt, by Ordinance, the Municipal Code text amendments as presented.

**Attachments:**

Proposed Ordinance

**ORDINANCE 2018-05**

**AN ORDINANCE OF THE VINEYARD CITY COUNCIL AMENDING BUSINESS LICENSING TITLE 5 (FORMERLY CHAPTER 9) OF THE MUNICIPAL CODE SPECIFIC TO AMENDING SECTION 5.02.020 BUSINESS LICENSE REQUIRED, REPEAL AND REPLACE CHAPTER 5.12 SOLICITORS, CANVASSERS, PEDDLERS AND ITINERANT MERCHANTS, ADDING CHAPTER 5.14 ITINERANT MERCHANTS, AND AMENDING CHAPTER 5.16 MOBILE FOOD BUSINESSES OF THE VINEYARD MUNICIPAL CODE**

**Whereas**, the Vineyard City Council finds that it has the power to regulate the health, safety and welfare of its citizens through regulating businesses within its jurisdiction and;

**Whereas**, the Vineyard City Council finds it necessary to amend these business licensing regulations and;

**Whereas**, these amendments will not compromise the health, safety, or welfare of its citizens and;

**NOW THEREFORE**, be it ordained by the Vineyard City Council, in the State of Utah, as follows:

**SECTION 1: AMENDMENT** “5.02.020 Business License Required” of the Vineyard Municipal Code is hereby *amended* as follows:

It shall be a class B misdemeanor for any person to transact, engage in or carry on any business, trade, or profession, ~~calling~~ or to operate a vending, ~~pinball~~ arcade, or coin-operated machine without first receiving the ~~class or~~ type of license required by the municipality.

**SECTION 2: REPEAL AND REPLACE** “5.02.020 (Formerly known as PART 9-450) Solicitors, Canvassers, Peddlers and Itinerant Merchants.”

~~9-450. SOLICITORS, CANVASSERS, PEDDLERS AND ITINERANT MERCHANTS~~

~~A. LICENSE REQUIRED. It shall be unlawful for:~~

- ~~1. A transient merchant, itinerant merchant or itinerant vendor to engage in such business without first obtaining a license therefor in compliance with the provisions of this section.~~

- ~~2.—Any person to engage in the business of peddler without first obtaining a permit and license therefor as provided in this section.~~
- ~~3.—Any solicitor or canvasser to engage in such business without first obtaining a permit and license therefor in compliance with the provisions of this section.~~

## ~~B.—DEFINITIONS~~

- ~~1.—"Transient merchant," "itinerant merchant" or "itinerant vendor" is defined as any person, firm or corporation, whether as owner, agent, co-signee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.~~
- ~~2.—"Peddler" as used in this section shall include any person, whether or not a resident of the municipality, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this section shall be deemed a peddler subject to the provisions of this section. The word "peddler" shall include the words "hawker" and "huckster".~~
- ~~3.—"Canvasser" or "solicitor" means any individual whether or not a resident of the municipality, traveling either by foot, wagon, motor vehicle, or other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales, provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, hotel or motel room, lodging house, apartment, shop or any other place within the municipality for the sole purpose of exhibiting samples and taking orders for future delivery.~~

### ~~C. APPLICATION FOR LICENSE.~~

- ~~1. Applicants for permits and licenses under this section, shall file a sworn application in writing signed by the applicant, if an individual, by all partners, if a partnership, and by the president if a corporation, or by an agent, including a state or regional agent, with the recorder which shall give the following information:~~
  - ~~a. The name of the applicant, and if the applicant is an employee or agent of a corporation, the name of the corporation.~~
  - ~~b. The address of the applicant, and if the applicant is an agent or employee of a corporation, the address of the corporation.~~
  - ~~c. A brief description of the nature of the business and the goods to be sold and from whom and where the applicant obtains the goods to be sold.~~
  - ~~d. If the applicant is employed by or an agent of another person, the name and permanent address of such other person or persons.~~
  - ~~e. The length of time for which the applicant desires to engage in business within the municipality.  
The place or places within the municipality where the applicant propose to carry on his or her business.~~
  - ~~f. A list of the other municipalities in which the applicant has engaged in business within the six month period preceding the date of the application.~~
  - ~~g. A photograph of the applicant, taken within six months immediately prior to the date of filing the application, which photograph shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.~~
  - ~~h. A statement as to whether or not the applicant, or any of his employers have been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor and the original or copy, dated no older than 180 days prior to the date of the Application, of either: (1) a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the Applicant; or (2) verification by the Utah Department of Public Safety Bureau of Criminal Identification that the Applicant has not had a prior conviction of a felony or a misdemeanor involving fraud or moral turpitude.~~
  - ~~i. If the applicant desires to sell fresh vegetables, fruits, meats, or other foodstuffs, a statement by a reputable physician in the state of Utah, dated not more than ten days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable diseases.~~
  - ~~j. If the applicant is employed by another person, firm or corporation, documents showing that the person, firm or corporation for which the applicant proposes to do business is authorized to do business within the state of Utah.~~
- ~~2. At the time of filing the application, a fee shall be deposited with the recorder. The City Council shall ~~from~~shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.~~

### ~~D. INVESTIGATION AND ISSUANCE OF LICENSE.~~

- ~~1. On receiving the application, the recorder shall issue a temporary license if the applicant meets the above requirement and refer it to the chief of police who shall cause such investigation of the applicant's business and moral character to be made as he deems reasonable and necessary for the protection of the public good.~~
- ~~2. The applicant may do business on the temporary license during the period of the investigation. If as a result of the investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse such upon the application together with a statement of his reasons therefor and return the application to the recorder who shall notify the applicant that his temporary license has been disapproved and that business shall not be conducted.~~
- ~~3. If as a result of such investigation, the character and business responsibility of the applicant is found to be satisfactory, the chief of police shall endorse such upon the application and return it to the recorder who shall upon payment of the prescribed license fee deliver to the applicant his permit and issue a license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee and the kind of goods to be sold pursuant to the application together with an expiration date.~~

#### ~~E. FEES.~~

- ~~1. The City Council shall from time to time enact by resolution the fees to be charged by Vineyard City for any license pursuant to this section.~~
- ~~2. None of the license fees provided for by this section shall be applied so as to engage an undue burden upon interstate commerce. In any case where a license fee is believed by the licensee or applicant for license to place an undue burden upon interstate commerce, he or she may apply to the mayor for an adjustment of the fee so that it will not be discriminatory, unreasonable, or unfair to interstate commerce. Such application may be made before, at or within six months after paying the prescribed license fee.~~
- ~~3. If any license fee or tax is not paid within sixty days of the due date, a penalty of 50% of the amount of such license fee or tax, or \$25.00 whichever is greater. All penalties provided for in this section shall be collected by the City Recorder and the payment thereof enforced by him in the same manner as the license fees are collected and payment thereof enforced. No license shall be issued until all penalties legally assessed have been paid in full.~~

#### ~~F. LICENSES, BADGES, REVOCATION, EXPIRATION, APPEAL.~~

- ~~1. A recorder shall issue to each licensee at the time of delivery of his temporary license a badge which shall contain the words "Licensed Solicitor," "Licensed Transient Merchant," or "Licensed Peddler" as the case may be, for which the application was made and the license issued, and the number of the license, in letters and figures easily discernible from a distance of five feet. Such badge shall, during the time peddlers or solicitors are engaged in the business for~~

which they are licensed, be worn constantly by them on the front of their outer garment in such a way as to be conspicuous.

- ~~2.—Any person licensed pursuant to this section shall exhibit their license at the request of any citizen of the municipality.~~
- ~~3.—It shall be the duty of any police officer of this municipality to require any person seen soliciting, canvassing or peddling, and who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this section.~~
- ~~4.—Revocation of license.~~
  - ~~a.—Permits and licenses issued pursuant to this section may be revoked by the chief of police or the recorder, after notice and hearing, for any of the following causes:
    - ~~1.—Fraud, misrepresentation or a false statement contained in the application for the licensed.~~
    - ~~2.—Fraud, misrepresentation for false statement made in the course of carrying on his business as solicitor or canvasser.~~
    - ~~3.—Any violation of this section.~~
    - ~~4.—Conviction of any crime or misdemeanor involving moral turpitude.~~
    - ~~5.—Conducting the business of soliciting, or of canvassing in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.~~~~
  - ~~b.—Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address or at the address shown on his application. The hearing and notice shall in all other aspects substantially comply with VMC 2.12.~~
  - ~~5.—Any person aggrieved by the action of the chief of police or the recorder in the denial of a permit or a license issued pursuant to this section, or by the action of the City Council of the municipality. Such appeal shall be taken by filing with the council within 14 days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for the hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as above proved in Section F,4.~~
  - ~~6.—All licenses issued pursuant to this section shall expire on the date specified on the license.~~

~~G.—ADDITIONAL REQUIREMENTS. This section shall not be construed so as to waive the provisions and requirements of any other ordinance of this municipality and the requirements and fees required herein shall be in addition to any other requirements and fees of any other ordinance of this municipality.~~

~~H.—EXCEPTIONS. The provisions of this section shall not apply to any individual who is at the time he is engaged in any activity which would otherwise require licensing by this section, engaged in an activity which is authorized by any church or charity~~

~~which has a permanent structure located within the state of Utah, provided such church or charity has had such permanent for at least six months prior to the date when the individuals engaged in the activity which would otherwise require licensing by this section.~~

## **5.12 - Solicitors**

**5.12.010. Purpose.**

**5.12.020. No Other License or Approval Required.**

**5.12.030. Definitions.**

**5.12.040. Exemptions from Chapter.**

**5.12.050. Solicitation Prohibited.**

**5.12.060. Registration of Solicitors.**

**5.12.070. Application Form.**

**5.12.080. Written Disclosures.**

**5.12.090. When Registration Begins.**

**5.12.100. Issuance of Certificates.**

**5.12.110. Form of Certificate and Identification Badge.**

**5.12.120. Maintenance of Registry.**

**5.12.130. Non-Transferability of Certificates.**

**5.12.140. Denial, Suspension or Revocation of a Certificate of Registration.**

**5.12.150. Appeals.**

**5.12.160. Deceptive Soliciting Practices Prohibited.**

**5.12.170. "No Soliciting" Notice.**

**5.12.180. Duties of Solicitors.**

**5.12.190. Time of Day Restrictions.**

**5.12.200. Buyer's Right to Cancel.**

**5.12.210. Penalties.**

### **5.12.010 Purpose.**

**A. Residents of Vineyard City have inalienable interests in their personal safety, well-being, and privacy in their residences, as well as the right to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The City has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its residents, which includes the ability to protect citizens from unwanted intrusions upon residential property. The City also has a substantial interest in protecting residents from fraud or otherwise unfair consumer sales practices and criminal activity. The City recognizes that the substantial interests**

listed above must be balanced against the rights of those who are regulated by this Chapter. Based on the collective experiences of City officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to citizen inquiries regarding door-to-door solicitation, the experience of law enforcement officers and those affected by door-to-door canvassing and solicitation, as well as judicial decisions describing the boundaries of Constitutional protections afforded and denied to persons seeking to engage in door-to-door solicitation, the City adopts this Chapter to promote the City's substantial interests in:

1. Respecting citizens' decisions regarding privacy in their residences;

2. Protecting persons from criminal conduct;

3. Providing equal opportunity to advocate for or against religious belief, political position, or charitable activities; and

4. Permitting truthful and non-misleading door-to-door solicitation regarding goods or services lawfully in the stream of commerce.

B. The City finds that the procedures, rules, and regulations set forth in this Chapter are narrowly tailored to preserve and protect the aforementioned City interests while balancing the rights of those regulated.

**5.12.020. No Other License or Approval Required.**

A. Registered solicitors and persons exempt from registration need not apply for, nor obtain, any other license, permit, or registration from the City to engage in door-to-door solicitation.

B. Any business that is licensed by the City under another ordinance and that uses employees, independent contractors, or agents for door-to-door solicitation in an effort to provide any tangible or intangible benefit to the business, shall be required to have such solicitors obtain a certificate, unless otherwise exempt from registration.

C. Those responsible persons or entities associated with registered solicitors need not apply for, nor obtain, any other license, permit, or registration from the City, provided they do not establish a temporary or fixed place of business in the City.

D. Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permit, or certificate that a registered solicitor is otherwise required to have or maintain.

**5.12.030. Definitions.**

For the purposes of this Chapter, the following definitions shall apply:

"Advocating" means speech or conduct intended to inform, promote, or support religious belief, political position, or charitable activities.

"Appeals Officer" means the Mayor or Mayor's designee responsible for receiving the information from the City and appellant regarding denial or suspension of a certificate and issuing a decision as required by this Chapter.

"Appellant" means the person or entity appealing a denial or suspension of a certificate, either personally as an applicant or registered solicitor, or on behalf of an applicant or registered solicitor.

"Applicant" means an individual who is at least sixteen (16) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a certificate permitting door-to-door solicitation.

"Application Form" means a standardized form provided by the City to an applicant to be completed and submitted as part of registration.

"BCI" means an original or copy, dated no older than one-hundred eighty (180) days prior to the date of the application, of either:

- A. a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to an applicant or equivalent report prepared by the corresponding public safety agency of the applicant's home state if the applicant is not a Utah resident; or
- B. verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

"Business" means a commercial enterprise licensed by the City as a person or entity under this Title, having a fixed or temporary physical location within the City.

"Certificate" means a temporary, annual, or renewal certificate permitting door-to-door solicitation in the City applied for or issued pursuant to the terms of this Chapter.

"Charitable Activities" means advocating by persons or entities that either are, or support, a charitable organization.

"Charitable Organization" includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity:

- A. that is:
  - 1. a benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization;
  - 2. for the benefit of a public safety, law enforcement, or firefighter fraternal association; or
  - 3. established for any charitable purpose; and
- B. that is tax exempt under applicable provisions of the Internal Revenue Code of 1986, as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.
- C. A charitable organization includes a chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the state for a charitable organization that has its principal place of business outside the City or State of Utah as set forth in the Utah Charitable Solicitation Act, as amended from time to time.

"Competent Individual" means a person claiming or appearing to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.

"Completed Application" means a fully completed application form, a BCI background check, two (2) copies of the original identification relied on by the applicant to establish proof of identity, and the tendering of fees.

"Criminally Convicted" means the final entry of a conviction, whether by a plea of no contest, guilty, or entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the applicant or registered solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole, and charges dismissed under a plea in abeyance or diversion agreement.

"Disqualifying Status" means anything specifically defined in this Chapter as requiring the denial or suspension of a certificate, and any of the following:

A. the applicant or registered solicitor has been criminally convicted of:

1. felony homicide,
2. physically abusing, sexually abusing, or exploiting a minor,
3. the sale or distribution of controlled substances, or
4. sexual assault of any kind;

B. criminal charges are currently pending against the applicant or registered solicitor for:

1. felony homicide,
2. physically abusing, sexually abusing, or exploiting a minor,
3. the sale or distribution of controlled substances, or
4. sexual assault of any kind;

C. the applicant or registered solicitor has been criminally convicted of a felony within the last ten (10) years;

D. the applicant or registered solicitor has been incarcerated in a federal or state prison within the past five (5) years; or

E. the applicant or registered solicitor has been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:

1. moral turpitude, or
2. violent or aggravated conduct involving persons or property;

F. a final civil judgment been entered against the applicant or registered solicitor within the last five (5) years indicating that:

1. the applicant or registered solicitor had either engaged in fraud, or intentional misrepresentation, or

2. a debt of the applicant or registered solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19);
- G. the applicant or registered solicitor is currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
- H. the applicant or registered solicitor has an outstanding arrest warrant from any jurisdiction; or
- I. the applicant or registered solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

"Door-to-Door Solicitation" means the practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale or attempting to further the sale of goods and or services.

"Entity" includes a corporation, partnership, limited liability company, or other lawful entity, organization, society, or association.

"Fees" means the cost charged to an applicant or registered solicitor for the issuance of a certificate and/or identification badge, which shall not exceed the reasonable costs of processing the application and issuing the certificate and/or identification badge.

"Final Civil Judgment" means a civil judgment that would be recognized under state law as a judgment to which collateral estoppel would apply.

"Goods" means one (1) or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.

"Home Solicitation Sale" means to make or attempt to make a sale of goods or services by a solicitor at a residence by means of door-to-door solicitation, regardless of the:

- A. means of payment or consideration used for the purchase;
- B. time of delivery of the goods or services; or
- C. previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant merchant or similar designation.

"Licensing Officer" means the City employee(s) or agent(s) responsible for receiving from an applicant or registered solicitor a completed application and either granting, suspending, or denying the applicant's certificate.

"No Solicitation Sign" means a reasonably visible and legible sign that states "No Soliciting," "No Solicitors," "No Salespersons," "No Trespassing," or words of similar import.

"Political Position" means any actually held belief, or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.

"Registered Solicitor" means any person who has been issued a current certificate by the City.

"Registration" means the process used by the City Licensing Officer to accept a completed application and determine whether or not a certificate will be denied, granted, or suspended.

"Religious Belief" means any sincerely held belief, or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.

"Residence" means any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the City, together with the lot, or other real property on which the living unit is located. This does not include a sidewalk, public street, or public right-of-way.

"Responsible Person or Entity" means the person or entity responsible to provide the following to an applicant, registered solicitor, and a competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale:

- A. maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;
- B. facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and
- C. refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.

"Sale of Goods or Services" means the conduct and agreement of a solicitor and a competent individual in a residence regarding a particular good(s) or service(s) that entitles the consumer to rescind the same within three (3) days under any applicable federal, state, or local law.

"Services" means those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.

"Soliciting" or "Solicit" or "Solicitation" means any of the following activities:

- A. seeking to obtain sales or orders for the exchange of goods, wares, merchandise, or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
- B. seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;
- C. seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;
- D. seeking to obtain orders or prospective customers for goods or services;

- E. seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale; or
- F. other activities falling within the commonly accepted definition of soliciting, such as hawking or peddling.

"Solicitor" or "Solicitors" means a person(s) engaged in door-to-door solicitation.

"Submitted in Writing" means the information for an appeal of a denial or suspension of a certificate, submitted in any type of written statement to the City Licensing Officer by certified, registered, priority, overnight, or delivery confirmation mail, facsimile, or hand delivery.

"Substantiated Report" means an oral, written, or electronic report:

- A. submitted to and documented by the City;
- B. by any of the following:
  - 1. a competent individual who is willing to provide law enforcement or other City employees with publicly available identification of their name, address, and any other reliable means of contact;
  - 2. City law enforcement or Licensing Officer; or
  - 3. any other regularly established law enforcement agency at any level of government;
- C. that provides any of the following information regarding a registered solicitor:
  - 1. documented verification of a previously undisclosed disqualifying status of a registered solicitor;
  - 2. probable cause that the registered solicitor has committed an act that would give rise to disqualifying status which has not yet been determined to be a disqualifying status;
  - 3. documented, eye-witness accounts that the registered solicitor has engaged in repeated patterns of behavior that demonstrates failure by the registered solicitor to adhere to the requirements of this Chapter; or
  - 4. probable cause that continued licensing of the registered solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the City.

"Waiver" means a written form provided to an applicant by the City wherein the applicant agrees the City may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this Chapter, and which contains applicant's notarized signature.

#### **5.12.040. Exemptions from Chapter.**

- A. The following are exempt from registration under this Chapter:

1. a person specifically invited to a residence by a competent individual prior to the time of the person's arrival at the residence;
2. a person whose license, permit, certificate or registration with the State of Utah permits the person to engage in door-to-door solicitation to offer goods or services to an occupant of the residence;
3. a person delivering goods to a residence pursuant to a previously made order, or a person providing services at a residence pursuant to a previously made request by a competent individual;
4. a person advocating or disseminating information for, against, or in conjunction with, any religious belief, or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and
5. a person representing a charitable organization. The charitable exemption shall apply to any student soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided that the solicitation has been approved in writing by the student's school administration, and that such student solicitors carry current picture student identification from the educational institution for which the student is soliciting.

B. Persons exempt from registration are not exempt from the duties and prohibitions set forth in Sections 170, 180, and 190 of this Chapter while advocating or soliciting.

**5.12.050. Solicitation Prohibited.**

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this Chapter, the practice of being in and upon a residence within the City by solicitors, for the purpose of home solicitation sales or to provide goods or services, is prohibited and is punishable as set forth in this Chapter.

**5.12.060. Registration of Solicitors.**

Unless otherwise exempt under this Chapter, any person desiring to engage in door-to-door solicitation within the City, prior to doing so, shall submit a completed application to the Licensing Officer and obtain a certificate.

**5.12.070. Application Form.**

The Licensing Officer shall provide a standard application form for use for the registration of solicitors. Upon request to the Licensing Officer, or as otherwise provided, any person or entity may obtain in person, by mail, or facsimile, a copy of this application form. Each application form shall require disclosure and reporting by the applicant of the following information, documentation, and fee:

A. Review of Written Disclosures. An affirmation that the applicant has received and reviewed the disclosure information required under this Chapter.

B. Contact Information.

1. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;

2. Applicant's telephone number, home address and mailing address, if different;

3. If different from the applicant, the name, address, and telephone number of the responsible person or entity; and

4. The address by which all notices to the applicant required under this Chapter are to be sent.

C. Proof of Identity. An in-person verification by the Licensing Officer of the applicant's true identity by use of any of the following which bear a photograph of said applicant:

1. A valid driver license issued by any State;

2. A valid passport issued by the United States;

3. A valid identification card issued by any State;

4. A valid identification issued by a branch of the United States military.

Upon verification of identity, the original identification submitted to establish Proof of Identity shall be returned to the applicant.

D. Proof of Registration with Department of Commerce. The applicant shall provide proof that either the applicant, or the responsible person or entity, has registered with the Utah State Department of Commerce;

E. Special Events Sales Tax Number. The applicant shall provide a special events sales tax number for either the applicant, or for the responsible person or entity for which the applicant will be soliciting;

F. Marketing Information.

1. The goods or services offered by the applicant, including any commonly known, registered or trademarked names;

2. Whether the applicant holds any other licenses, permits, registrations, or other qualifications required by Federal or State law to promote, provide, or render advice regarding the offered goods or services.

G. BCI Background Check. The applicant shall provide:

1. An original or a copy of a BCI background check as defined in Section 5.12.030 of this Chapter; and

2. A signed copy of a waiver whereby applicant agrees to allow the City to obtain a name/date of birth BCI background check on applicant for purposes of enforcement of this Chapter pursuant to Section 53-10-108(1)(b), Utah Code Annotated, as amended from time to time.

H. Responses to Questions Regarding "Disqualifying Status." The Applicant shall be required to affirm or deny each of the following statements on the Application Form:

1. Has the applicant been criminally convicted of:
  - a. felony homicide,
  - b. physically abusing, sexually abusing, or exploiting a minor,
  - c. the sale or distribution of controlled substances, or
  - d. sexual assault of any kind.
  
2. Are any criminal charges currently pending against the applicant for:
  - a. felony homicide,
  - b. physically abusing, sexually abusing, or exploiting a minor,
  - c. the sale or distribution of controlled substances, or
  - d. sexual assault of any kind.
  
3. Has the applicant been criminally convicted of a felony within the last ten (10) years;
  
4. Has the applicant been incarcerated in a Federal or State prison within the past five (5) years;
  
5. Has the applicant been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:
  - (i) moral turpitude, or
  - (ii) violent or aggravated conduct involving persons or property.
  
6. Has a final civil judgment been entered against the applicant within the last five (5) years indicating that: (i) the applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 USC § 523(a)(2), (a)(4), (a)(6), or (a)(19);
  
7. Is the applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
  
8. Does the applicant have an outstanding arrest warrant from any jurisdiction; or
  
9. Is the applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

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I. The applicant shall pay an applicable fee as set forth in the City's Consolidated Fee Schedule as adopted by the City Council. Such fees shall not exceed the reasonable cost of processing the application and issuing a certificate and/or identification badge.

J. The applicant shall execute the application form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the applicant, the information provided is complete, truthful, and accurate.

**5.12.080. Written Disclosures.**

The application form shall be accompanied by written disclosures notifying the applicant of the following:

A. the applicant's submission of the application authorizes the City to verify information submitted with the completed application including:

1. the applicant's address;
2. the applicant's and/or responsible person or entity's state tax identification and special use tax numbers, if any; and
3. the validity of the applicant's proof of identity;

B. the City may consult any publicly available source for information on the applicant, including but not limited, to databases for any outstanding warrant, protective order, or civil judgment;

C. establishing proof of identity is required before registration is allowed;

D. identification of the fee amount that must be submitted by applicant with a completed application;

E. the applicant must submit a BCI background check (or equivalent background check from the applicant's home state if the applicant is not a Utah resident) with a completed application;

F. to the extent permitted by State and/or federal law, the applicant's BCI background check will remain a confidential, protected, private record not available for public inspection;

G. the City will maintain copies of the applicant's application form, proof of identity, and identification badge, which copies will become public records available for inspection on demand at the City offices whether or not a certificate is denied, granted, or renewed;

H. the criteria for disqualifying status, denial, or suspension of a certificate under the provisions of this Chapter; and

I. that a request for a temporary certificate will be granted or denied the same business day that a completed application is submitted.

**5.12.090. When Registration Begins.**

The Licensing Officer shall not begin the registration process unless the applicant has submitted a complete application. The original identification submitted to establish proof of identity shall be returned after the Licensing Officer verifies the applicant's identity. A copy of the identification may be retained by the Licensing Officer. If an original BCI background check is submitted by the applicant, the Licensing Officer shall make a copy of the BCI and return the original to the applicant.

**5.12.100. Issuance of Certificates.**

The Licensing Officer shall review the Completed Application submitted by the Applicant and issue a Certificate in accordance with the following:

A. Temporary Certificate.

1. A temporary certificate shall issue allowing the applicant to immediately begin door-to-door solicitation upon the following conditions:
  - a. Applicant's submission of a completed application;
  - b. Applicant's submission of the required fee;
  - c. Applicant establishes proof of identity;
  - d. the applicant's representations on the Application Form do not affirmatively show a Disqualifying Status;
  - e. the B.C.I. does not affirmatively show a Disqualifying Status; and
  - f. the applicant has not previously been denied a certificate by the City, or had a certificate revoked for grounds that still constitute a Disqualifying Status under this Chapter.
2. A temporary certificate will automatically expire after twenty-five (25) calendar days from issuance, or upon grant or denial of an annual certificate, whichever period is shorter.

B. Annual Certificate. Within twenty-five (25) calendar days of the issuance of a temporary certificate the City shall:

1. Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the applicant, including, but not limited to those disclosed with the application form.
2. Issue written notice to the applicant and the responsible person or entity, if any, that the applicant either:
  - a. will be issued an annual certificate, eligible for renewal one year from the date of issuance of the temporary certificate; or
  - b. will not be issued an annual certificate for reasons cited in Section 5.12.140 of this Chapter.

C. Renewal Certificate. An annual certificate shall be valid for one year from the date of issuance of the temporary certificate and shall expire at midnight on the anniversary date of issuance. Any annual certificate that is not suspended, revoked, or expired may be renewed upon the request of the registered solicitor and the submission of a new completed application and payment of the fee, unless any of the conditions for the denial, suspension or revocation of a certificate are present as set forth in Section 5.12.140, or a Disqualifying Status is present.

#### **5.12.110. Form of Certificate and Identification Badge.**

- A. Certificate Form. Should the Licensing Officer determine that an applicant is entitled to a certificate, the Officer shall issue a certificate to the applicant. The certificate shall list the name of the registered solicitor and the responsible person or entity, if any, and the date on which the certificate expires. The certificate shall be dated and signed by the License Officer. The certificate shall be carried by the registered solicitor at all times while soliciting in the City.
- B. Identification Badge. Upon issuance of a temporary or annual certificate, the City shall also issue each registered solicitor an identification badge that shall be worn prominently on the solicitor's person while soliciting in the City. The identification badge shall bear the name of the City and shall contain:
1. the name of the registered solicitor;
  2. address and phone number of the registered solicitor, or the name, address, and phone number of the responsible person or entity is provided;
  3. a recent photograph of the registered solicitor; and
  4. the date on which the certificate expires.

#### **5.12.120. Maintenance of Registry.**

The Licensing Officer shall maintain and make available for public inspection a copy or record of every complete application received and the certificate or written denial issued by the City. Each applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection unless otherwise required by state or federal law. The Licensing Officer may furnish to the head of the City's law enforcement agency a list of all applicants, those denied, and those issued a certificate.

#### **5.12.130. Non-Transferability of Certificates.**

A certificate shall be issued only in the name of the applicant and shall list the responsible party or entity, if any, and shall be nontransferable. A registered solicitor desiring to facilitate or attempting to facilitate home solicitation sales with different:

- A. goods or services; or
- B. responsible person or entity, from those designated in the originally submitted completed application, shall submit a written change request to the Licensing Officer. A new certificate based on the amended information shall issue for the balance of time remaining on the solicitor's previous certificate before the amendment was filed. Before a new certificate is given to a registered solicitor, the solicitor shall obtain a revised identification badge from the City, after payment of the fee for the identification badge.

#### **5.12.140. Denial, Suspension or Revocation of a Certificate of Registration.**

- A. Denial. Upon review, the Licensing Officer shall refuse to issue a certificate to an applicant for any of the following reasons:

1. Denial of Temporary Certificate.

- a. the application form is not complete;
- b. the applicant fails to (1) establish Proof of Identity, (2) provide a B.C.I. or (3) pay the fees;
- c. the completed application or B.C.I. indicates that the applicant has a Disqualifying Status; or
- d. The applicant has previously been denied a certificate by the City or has had a certificate revoked for grounds that still constitute a Disqualifying Status under this chapter.

2. Denial of Annual Certificate.

- a. The information submitted by the applicant at the time of the granting of the temporary certificate is found to be incomplete or incorrect;
- b. Since the submission of the completed application, the applicant is subject to a previously undisclosed or unknown Disqualifying Status;
  - c. Failure to complete payment of the fees;
- d. Since the submission of the application, the City has received a substantiated report regarding the past or present conduct of the applicant;
- e. Since the submission of the application, the City or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this Chapter or similar Federal, State, or municipal laws in a manner rising to the level of a Disqualifying Status; or
- f. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that: (I) the applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 USC § 523(a)(2), (a)(4), (a)(6), or (a)(19).

3. Denial of Annual Certificate Renewal.

- a. The information submitted by the applicant when seeking renewal of a certificate is found to be incomplete or incorrect;
- b. Since the submission of the renewal application, the applicant is subject to a previously undisclosed or unknown Disqualifying Status;
- c. Failure to complete payment of the fees;

d. Since the submission of the application or granting of a certificate, the City has received a substantiated report regarding the past or present conduct of the solicitor;

e. The City or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this Chapter or similar Federal, State, or municipal laws in a manner rising to the level of a Disqualifying Status; or

f. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that: (I) the applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 USC § 523(a)(2), (a)(4), (a)(6), or (a)(19).

B. Suspension or Revocation. The City shall either suspend or revoke a certificate when any of the reasons warranting the denial of a certificate occurs.

C. Notice of Denial or Suspension. Upon determination of the Licensing Officer to deny an applicant's completed application or to suspend a Registered Solicitor's Certificate, the City shall cause written notice to be sent to the applicant or Registered Solicitor by the method indicated in the completed application. The Notice shall specify the grounds for the denial or suspension, the documentation or information the City relied on to make the decision, the availability of the documentation for review by applicant upon one (1) business day notice to the City, and the date upon which the denial or suspension of the certificate shall take effect. It shall further state that the applicant or Registered Solicitor shall have ten (10) business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the certificate shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in Section 5.12.030 (34)(C)(4), in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a certificate automatically results in its revocation.

#### **5.12.150. Appeals.**

A. An applicant or registered solicitor whose certificate has been denied or suspended shall have the right to appeal to the Mayor or the Mayor's designee. Any appeal shall be submitted by either the applicant, the responsible person or entity, or legal counsel for either who:

1. documents the relationship with the applicant or responsible person or entity; or
2. is licensed or authorized by the State of Utah to do so and makes the assertion of an agency relationship.

B. The following procedures and requirements shall apply to an appeal:

1. An appeal shall be submitted in writing to the City Recorder with a copy to the Licensing Officer within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of and the grounds for appeal.
2. Upon request of the applicant or registered solicitor, within one (1) business day, the City shall make available any information upon which it relied on in deciding to either deny or suspend a certificate.
3. The appeals officer shall review, de novo, all written information submitted by the applicant or registered solicitor to the Licensing Officer, any additional information relied upon by the Licensing Officer as the basis for denial, suspension or revocation, and any additional information supplied by the City, applicant or registered solicitor. Any additional information submitted by any party to the appeals officer shall be simultaneously submitted to the opposing party. If desired, any party shall have three (3) business days to submit rebuttal documentation to the appeals officer regarding the additional information submitted by the opposing party.
4. The appeals officer shall render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits rebuttal information as allowed in Subsection 5.12.150(2)(c), the fifteen (15) calendar days shall be extended to include the additional three (3) business days for rebuttal.
  - a. The denial or suspension of the certificate shall be reversed by the appeals officer if upon review of the written appeal and information submitted, the appeals officer finds that the Licensing Officer made a material mistake of law or fact in denying or suspending the applicant or registered solicitor's certificate.
  - b. If the written appeal and information submitted indicates that the Licensing Officer properly denied or suspended the certificate of the applicant or registered solicitor, the denial or suspension of the certificate shall be affirmed and constitute a determination that the suspended certificate is revoked.
  - c. The decision of the appeals officer shall be delivered to the applicant or registered solicitor by the means designated in the completed application, or as otherwise agreed upon when the appeal was filed.
5. After the ruling of the appeals officer, the applicant or solicitor is deemed to have exhausted all administrative remedies with the City.
6. Nothing herein shall impede or interfere with the applicant's, solicitor's, or City's right to seek relief in a court of competent jurisdiction.

**5.12.160. Deceptive Soliciting Practices Prohibited.**

- A. No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.
- B. A solicitor shall immediately disclose to the consumer during face-to-face solicitation;

1. The name of the solicitor;
  2. The name and address of the entity with whom the solicitor is associated; and
  3. The purpose of the solicitor's contact with the person and/or competent individual. This requirement may be satisfied through the use of the badge and an informational flyer.
- C. No solicitor shall use a fictitious name, an alias, or any name other than the solicitor's true and correct name.
- D. No solicitor shall represent directly or by implication that the granting of a certificate of registration implies any endorsement by the City of the solicitor's goods or services or of the individual solicitor.

**5.12.170. "No Solicitation" Notice.**

- A. Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign which shall be posted on or near the main entrance door or on or near the property line adjacent to a sidewalk leading to the residence.
- B. The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.
- C. It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.
- D. The provisions of this Section 5.12.170 shall apply also to solicitors who are exempt from registration pursuant to the provisions of this Chapter.

**5.12.180. Duties of Solicitors.**

- A. Every person soliciting or advocating shall check each residence for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to, "No Solicitation" signs. If any such sign or placard is posted, the solicitor shall desist from any efforts to solicit at the residence and shall immediately depart from such property. Possession of a certificate of registration does not relieve a solicitor of this duty.
- B. A person soliciting or advocating shall not knock on a door, ring a doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in advocating a home solicitation sale, door-to-door soliciting, or soliciting.
- C. A solicitor shall not, through ruse, deception, or fraudulent concealment of a purpose to solicit, take any action calculated to secure an audience with an occupant at a residence.
- D. A solicitor, who is at any time asked by an occupant of a residence to leave, shall immediately and peacefully depart.
- E. A solicitor shall not intentionally or recklessly make any physical contact with or touch another person without the person's consent.

- F. A solicitor shall not follow a person into a residence without the person's explicit consent;
- G. A solicitor shall not continue repeated soliciting after a person or competent individual has communicated clearly and unequivocally the person's lack of interest in the subject, goods or services of the solicitor.
- H. A solicitor shall not use obscene language or gestures.

**5.12.190. Time of Day Restrictions.**

It shall be unlawful for any person, whether licensed or not, to solicit at a residence before 9:00 a.m. or after 9:00 p.m. Mountain Standard Time, unless the solicitor has express prior permission from the resident to do so.

**5.12.200. Buyer's Right to Cancel.**

In any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay in an emergency, the seller or solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "Buyer's right to cancel" shall be in the form required by Section 70C-5-103, Utah Code Annotated, or a current version thereof, or any state or federal law modifying or amending such provision.

**5.12.210. Penalties.**

Any person who violates any term or provision of this Chapter shall be guilty of a class B misdemeanor and shall be punished by a fine of not to exceed one thousand (1,000) dollars and/or a jail sentence of not to exceed six (6) months.)

**SECTION 3: ADOPT "5.14 Itinerant Merchants"**

A. LICENSE REQUIRED. It shall be unlawful for:

- 1. A transient merchant, itinerant merchant or itinerant vendor to engage in such business without first obtaining a license therefor in compliance with the provisions of this section.

B. DEFINITION

"Transient merchant," "itinerant merchant" or "itinerant vendor" is defined as any person, firm or corporation, whether as owner, agent, co-signee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

### C. APPLICATION FOR LICENSE.

1. Applicants for permits and licenses under this section, shall file a sworn application in writing signed by the applicant, if an individual, by all partners, if a partnership, and by the president if a corporation, or by an agent, including a state or regional agent, with the recorder which shall give the following information:
  - a. The name of the applicant, and if the applicant is an employee or agent of a corporation, the name of the corporation.
  - b. The address of the applicant, and if the applicant is an agent or employee of a corporation, the address of the corporation.
  - c. A brief description of the nature of the business and the goods to be sold and from whom and where the applicant obtains the goods to be sold.
  - d. If the applicant is employed by or an agent of another person, the name and permanent address of such other person or persons.
  - e. The length of time for which the applicant desires to engage in business within the municipality.  
The place or places within the municipality where the applicant propose to carry on his or her business.
  - f. A list of the other municipalities in which the applicant has engaged in business within the six-month period preceding the date of the application.
  - g. A photograph of the applicant, taken within six months immediately prior to the date of filing the application, which photograph shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
  - h. A statement as to whether or not the applicant, or any of his employers have been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor and the original or copy, dated no older than 180 days prior to the date of the Application, of either: (1) a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the Applicant; or (2) verification by the Utah Department of Public Safety Bureau of Criminal Identification that the Applicant has not had a prior conviction of a felony or a misdemeanor involving fraud or moral turpitude.
  - i. If the applicant desires to sell fresh vegetables, fruits, meats, or other foodstuffs, a statement by a reputable physician in the state of Utah, dated not more than ten days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable diseases.
  - j. If the applicant is employed by another person, firm or corporation, documents showing that the person, firm or corporation for which the applicant proposes to do business is authorized to do business within the state of Utah.
2. At the time of filing the application, a fee shall be deposited with the recorder. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

### D. INVESTIGATION AND ISSUANCE OF LICENSE.

1. On receiving the application, the recorder shall issue a temporary license if the applicant meets the above requirement and refer it to the chief of police who shall cause such investigation of the applicant's business and moral character to be made as he deems reasonable and necessary for the protection of the public good.
2. The applicant may do business on the temporary license during the period of the investigation. If as a result of the investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse such upon the application together with a statement of his reasons therefor and return the application to the recorder who shall notify the applicant that his temporary license has been disapproved and that business shall not be conducted.
3. If as a result of such investigation, the character and business responsibility of the applicant is found to be satisfactory, the chief of police shall endorse such upon the application and return it to the recorder who shall upon payment of the prescribed license fee deliver to the applicant his permit and issue a license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee and the kind of goods to be sold pursuant to the application together with an expiration date.

E. FEES.

1. The City Council shall from time to time enact by resolution the fees to be charged by Vineyard City for any license pursuant to this section.
2. None of the license fees provided for by this section shall be applied so as to engage an undue burden upon interstate commerce. In any case where a license fee is believed by the licensee or applicant for license to place an undue burden upon interstate commerce, he or she may apply to the mayor for an adjustment of the fee so that it will not be discriminatory, unreasonable, or unfair to interstate commerce. Such application may be made before, at or within six months after paying the prescribed license fee.
3. If any license fee or tax is not paid within sixty days of the due date, a penalty of 50% of the amount of such license fee or tax, or \$25.00 whichever is greater. All penalties provided for in this section shall be collected by the City Recorder and the payment thereof enforced by him in the same manner as the license fees are collected and payment thereof enforced. No license shall be issued until all penalties legally assessed have been paid in full.

F. LICENSES, BADGES, REVOCATION, EXPIRATION, APPEAL.

1. A recorder shall issue to each licensee at the time of delivery of his temporary license a badge which shall contain the words "Licensed Transient Merchant," for which the application was made and the license issued, and the number of the license, in letters and figures easily discernible from a distance of five feet. Such badge shall, during the time they are engaged in the business for which they are licensed, be worn constantly by them on the front of their outer garment in such a way as to be conspicuous.

2. Any person licensed pursuant to this section shall exhibit their license at the request of any citizen of the municipality.
  3. It shall be the duty of any police officer of this municipality to require any person seen selling and delivering goods, wares and merchandise within the municipality, and who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this section.
  4. Revocation of license.
    - a. Permits and licenses issued pursuant to this section may be revoked by the chief of police or the recorder, after notice and hearing, for any of the following causes:
      1. Fraud, misrepresentation or a false statement contained in the application for the licensed.
      2. Fraud, misrepresentation for false statement made in the course of carrying on his business as itinerant merchant.
      3. Any violation of this section.
      4. Conviction of any crime or misdemeanor involving moral turpitude.
      5. Conducting the business an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
    - b. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address or at the address shown on his application. The hearing and notice shall in all other aspects substantially comply with VMC 2.12.
  5. Any person aggrieved by the action of the chief of police or the recorder in the denial of a permit or a license issued pursuant to this section, or by the action of the City Council of the municipality. Such appeal shall be taken by filing with the council within 14 days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for the hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as above proved in Section F.4.
  6. All licenses issued pursuant to this section shall expire on the date specified on the license.
- G. ADDITIONAL REQUIREMENTS. This section shall not be construed so as to waive the provisions and requirements of any other ordinance of this municipality and the requirements and fees required herein shall be in addition to any other requirements and fees of any other ordinance of this municipality.
- H. EXCEPTIONS. The provisions of this section shall not apply to any individual who is at the time he is engaged in any activity which would otherwise require licensing by this section, engaged in an activity which is authorized by any church or charity which has a permanent structure located within the state of Utah, provided such church or charity has had such permanent for at least six months prior to the date when the individuals engaged in the activity which would otherwise require licensing by this section.

## SECTION 4: AMENDMENT “15.16 Mobile Food Trucks”

### 15.16.030 General Requirements

- A. No person shall operate a mobile food business, without first having obtained a business license from Vineyard in accordance with Chapter 5.02, Vineyard Municipal Code, or its successor.
- B. Mobile food businesses are allowed to operate in the public right-of-way only within all commercial zones allowing food sales in accordance with the provisions of this section. Mobile food businesses shall be allowed to vend on private property within all the aforementioned zones in Vineyard, with prior consent from the private property owner.
- C. Restrictions on mobile food businesses found in B ~~and VMC 5.16.090.A.4~~, shall not apply under any of the following circumstances:
  - 1. the mobile food business receives permission from the ~~Mayor's Office~~ City to operate ~~in the food restriction area~~ a prohibited area (the grant of this permission only exempts the mobile food business from 3, ~~not from VMC 5.16.090.A.4~~);
  - 2. the mobile food business is catering an event, meaning the mobile food business has been invited by the event sponsor to serve or sell food at an event that is not open to the public; or
  - 3. the mobile food business is invited to a special event that is permitted and held in compliance with VMC 6.16.
- D. It shall be unlawful for any mobile food business to operate adjacent to a public park without the prior written consent of the Vineyard Mayor or his/her designee.

### 5.16.040 Application

- A. An application for a business license to conduct a mobile food business shall be filed in writing with the Vineyard business license office as set forth VMC 5.02.030, prior to the commencement of operation.
- B. In addition to the information required by such section, the license application shall include:
  - 1. the name and location of the applicant's principal place of business, or residence if no permanent place of business exists;
  - 2. the number of vehicles to be used in the business, a description of each vehicle, its license plate number, vehicle identification number (VIN) and proof of insurance coverage, and safety inspection.
  - 3. If any of the foregoing information changes, the applicant or licensee, as the case may be, shall deliver current information to the Vineyard City business license office within ten (10) business days following the change.
- C. If applicable, an applicant shall also provide a certified copy of the applicant's articles of incorporation, articles of organization, or similar document if the applicant is a corporation, limited liability company, or similar entity required to file such documents

with the State of Utah or any other state for formation of the entity or before the state will treat the entity as separate from its owners.

~~D. An application shall not be approved and no license shall be issued or renewed to an applicant if a criminal background check, administrative records search or application materials uncover information showing either the applicant or any driver has a record for any of the following:~~

- ~~1. a conviction within the past ten (10) years of driving under the influence of drugs or alcohol; alcohol or drug related reckless driving, impaired driving, driving with any measurable amount of a controlled substance or metabolite of a controlled substance in the body, automobile homicide;~~
- ~~2. any criminal conviction within the past ten (10) years for an offense involving violence, theft, possession or use of a deadly weapon, possession of controlled substances with the intent to distribute to another person or any conviction for a crime of moral turpitude; or~~
- ~~3. misrepresentation of material facts in an application for a business license.~~

E.D. A valid copy of all necessary licenses or permits required by the State or ~~the Utah County Health Department~~ a health department within the state, including, but not limited to, proof of business name and business owner's or registered agent's name as registered with the Department of Commerce and proof of a valid sales tax certificate from the State of Utah that includes Vineyard as the incorporated City where business is to be conducted.

F.E. Each applicant for a license or renewal under this section shall submit, with the application, a certificate of insurance executed by an insurance company or association authorized to transact business in this State, showing that there is in full force and effect, for the full term of the license, general liability insurance in an amount not less than two hundred thousand dollars (\$200,000.00) for personal injury to each person, five hundred thousand dollars (\$500,000.00) for each occurrence, and five hundred thousand dollars (\$500,000.00) for each occurrence involving property damage; or a single limit policy of not less than five hundred thousand dollars (\$500,000.00) covering all claims per occurrence. Such policy or policies shall also include coverage of all motor vehicles used in connection with the applicant's business. A current certificate of insurance shall be kept on file with the City Recorder at all times that the applicant is licensed by the City verifying such continuing coverage and naming the City as an additional insured. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspension or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination.

G.F. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license.

H.G. Each applicant for a license or renewal under this section shall submit, with the application, a valid fire inspection which includes the following requirements:

1. All mobile food businesses shall have a currently tagged five (5) pound ABC fire extinguisher.
2. Any mobile food business producing grease laden vapors shall have a Type I hood with an approved fire suppression system. The hood shall:
  - a. Be UL listed.
  - b. Meet the applicable NFPA standards.
  - c. Be installed and maintained in accordance with the manufacturers' recommendations.
3. The hoods and ducts shall be cleaned according to the manufacturers' recommendations.
4. Any mobile food business producing grease laden vapors shall have a currently tagged Type K fire extinguisher.
5. All electrical outlets within six (6) feet of a water source shall be GFI outlets.
6. No propane shall be stored inside of the cooking and passenger area of the vehicle.
7. Any mobile food business operating in Vineyard shall have an annual fire inspection by the Vineyard Fire Marshal's Office.

#### **5.16.060 License Fees**

- A. Fees shall be required as ~~shown on~~ set forth in the Consolidated Fee Schedule adopted by the Vineyard City ~~Municipal~~ Council. ~~The fee for a mobile food business shall be \$25.00 per mobile food business vehicle until changed by resolution of the City Council.~~ No license shall be issued or continued in operation unless the holder thereof has also paid an annual business regulatory fee as set forth in VMC 5.02.160 or its successor section for each mobile food business.
- B. Licenses shall be paid in advance for the term of the license as set forth in VMC 5.02.040.

#### **5.16.070 Business activity to be Temporary**

All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within a twenty-four (24) hour period at any one (1) location ~~nor for more than three (3) consecutive days within a seven (7) day period~~ on either

public or private property. All vehicles must be removed from the public right-of-way at the close of each business day.

### **5.16.080 Use of Public Right-of-way**

Each mobile food business offering food within the public right-of-way shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license, and is a Class C misdemeanor:

- A. Mobile food businesses shall obey all parking and traffic regulations as stated in VMC 10.02.
- B. Parking on a parkway or park strip of a public street ~~Municipal Code~~, or otherwise public landscaped area is not allowed.
- C. Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
- D. The operator shall locate the vending window facing the sidewalk or on private property unless the roadway has been closed to vehicular traffic for a public event.
- E. No mobile food business shall occupy required parking stalls of the primary use.
- F. The mobile food business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage.

### **5.16.090 Design and Operation Guidelines**

- A. Mobile food businesses shall comply with the following design and operation requirements:
  - 1. Mobile food businesses shall be designed and operated in a manner so as to meet all applicable Utah County Health Department requirements relating to the handling and distribution of food.
  - 2. The mobile food business shall not have or operate as a drive-through.
  - 3. Mobile food businesses shall be kept in good operating condition and no peeling paint or rust shall be visible on business vehicles.
  - ~~4. No mobile food business shall operate within a one hundred (100) foot radius of any public entrance to a restaurant or City authorized special event selling food, unless the mobile food vendor obtains the written consent of the proprietor of such restaurant or shop. Such consent shall not exempt the applicant from compliance with the other location and distance restrictions of this section.~~

~~5-4~~. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash and recycling containers shall be provided for use of the business patrons. If a mobile food business has operated on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.

~~6-5~~. Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven (7) feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the parkway or public right-of-way.

~~7-6~~. Any auxiliary power required for the operation of the mobile food business shall be self-contained. No use of power or water located on private property is allowed without written consent from the owner, or the owner's authorized designee.

~~8-7~~. All garbage or other refuse generated from a mobile food business shall be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.

~~9-8~~. Licensees/owners will ensure their business vehicles are at all times in compliance with all other applicable laws or ordinances regulating motor vehicles.

B. SIGNS. No signs shall be used to advertise the conduct of the mobile business at the premises other than those which are physically attached to the vehicle, except that a two (2) foot by three (3) foot menu board may be placed nearby to display the menu.

C. PROFESSIONAL AND PERSONAL SERVICES PROHIBITED. Professional or personal services shall not be provided from a mobile food business.

D. COMPLIANCE RESPONSIBILITY.

1. The license holder shall not be relieved of any responsibility for compliance with the provisions of this section, whether the holder pays salary, wages or any other form of compensation to drivers.

2. All vendors are subject to Vineyard City sales tax for goods sold within the boundaries of Vineyard City. Vendors shall be required to keep accurate records of daily sales that occur within the Vineyard City limits. Vineyard City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Vineyard City business license.

E. SPECIAL EVENTS. The restrictions of this section notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses, other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events (special

event vendors). The special event vendors shall still be governed by this section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of-way remains open to the general public, such authorization of special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location or a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.

- F. **GROUND FOR DENIAL, SUSPENSION OR REVOCATION.** Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license.

|

SECTION 5: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 6: Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED this 27 day of June, 2018.

\_\_\_\_\_  
Mayor Julie Fullmer

ATTEST:

\_\_\_\_\_  
City Recorder



# COMMUNITY DEVELOPMENT

DATE: June 27, 2018  
FROM: Elizabeth Hart, Planner  
TO: City Council  
ITEM: 7.3 Public Hearing and Consideration of an ordinance Text Amendments to Sections 15.34.060, 15.34.150 and Chapter 15.48 of the Zoning Ordinance  
APPLICANT: City Initiated

## **INTRODUCTION:**

The city is proposing multiple text amendments to the Zoning Ordinance. Section 15.34.060 Accessory Dwelling Units (ADU) is being amended to modify the permitting process so that a business license is no longer needed. This allows the property to be approved for an ADU and not the property owner. It is proposed that Section 15.34.150 Home Occupations, to repeal in its entirety and replaced with definitions of multiple types of home occupations and to establish standards for the different types of Home Occupations. To stay compliant with the Reed v. Town of Gilbert ruling regarding form-based regulations, staff is proposing to repeal and replace Chapter 15.48 to repeal in its entirety and replace with new sign regulations that are content-neutral and regulate the design, materials, size, number and location of signs.

This ordinance has been properly noticed in the newspaper, posted on the Utah State Public Notice website and posted within various city locations. Affected entities like local governmental jurisdictions and special districts were also provided a copy of the notice.

## **PROPOSED ORDINANCE:**

Staff and the Planning Commission have met on multiple occasions to discuss these proposed text amendments.

The proposed amendments include the following:

1. Section 15.34.060 Accessory Dwelling Units:
  - a. Modifying subsection 12
  - b. To replace "Permit" with "Application"
  - c. To remove the sentence *"an accessory dwelling unit business license may only be issued following the approval of a building permit"* and replace with *"an accessory dwelling unit application may only be approved if the property meets the standards set forth in this section"*
2. Section 15.34.150 Home Occupations:
  - a. To define two types of Home Occupations; with and without impact
  - b. To establish standards based on the type of Home Occupation
3. Chapter 15.48 Signs
  - a. To repeal and replace in its entirety
  - b. To replace with sign regulations that are content neutral and regulate the design, materials, size, number and location of signs.

**PLANNING COMMISSION RECOMMENDATION:**

On June 20, 2018, the planning commission held a public hearing on the proposed text amendments. Members of the public spoke to adding more home occupation types that include occupations that have more than one customer coming to the residence at a time, specifically dance studios and group music lessons. The planning commission has directed staff to research additional types and to conduct a work session with them at a later date. There was no additional public comment for the other zoning text amendments.

The planning commission recommended approval of the zoning text amendments for Sections 15.34.060, 15.34.150 and Title 15.48 to the city council with the proposed changes to Title 15.48 listed by staff and to prohibit flying banner signs and allow a sign standard waiver for changeable copy signs. The proposed changes are shown within the draft ordinance attached to this report.

**RECOMMENDATION:**

Staff is recommending approval of the proposed text amendments to the zoning ordinance. The ordinance and draft language are attached to this staff report.

**PROPOSE MOTION:**

*"I move to approve the proposed zoning text amendments"*

**ATTACHMENTS:**

- Proposed Ordinance with associated zoning text amendments

**VINEYARD**

**ORDINANCE 2018-06**

**AN ORDINANCE OF VINEYARD, UTAH, AMENDING THE VINEYARD ZONING ORDINANCE INCLUDING SECTION 15.34.060 ACCESSORY DWELLING UNITS, AND REPEALING AND REPLACING SECTION 15.34.150 HOME OCCUPATIONS AND TITLE 15.48 SIGNS.**

**Whereas**, Title 10, Chapter 9a Municipal Land Use, Development, and Management Act of the Utah Municipal Code, permits Vineyard to ensure the health, safety and welfare of the community through local land use planning and the adoption of land use ordinances; and

**Whereas**, Vineyard is authorized to amend the City's Zoning Ordinance pursuant to Utah Municipal Code § 10- 9a-102(2); and

**Whereas**, the Planning Commission held a public hearing on June 20, 2018 and after fully considering public comment and staff recommendations, recommended approval to the Vineyard City Council; and

**Whereas**, the Vineyard City Council, having reviewed the proposed text amendments, held a public hearing on June 27, 2018; and

**Whereas**, the Vineyard City Council having considered the recommendation of the Planning Commission and submitted comments and testimony from the public, having determined that it is in the best interest of the public and adopt the proposed text amendments to the Zoning Ordinance.

**NOW THEREFORE**, be it ordained by the Council of Vineyard, in the State of Utah, as follows: See exhibit A.

**REPEALER CLAUSE:** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SEVERABILITY CLAUSE:** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**EFFECTIVE DATE:** This Ordinance shall be in full force and effect from June 27, 2018 and after the required approval and publication according to law.

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Mayor Julie Fullmer

ATTEST:

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City Recorder

## EXHIBIT A

### Section 15.34.060—Accessory Dwelling Units:

*(amended by Ordinance 2017-06; September 13, 2017)*

Purpose: The purpose of the accessory dwelling unit ordinance is to promote areas in the city to accommodate an expanding population, establish regulations to address the health, safety and welfare of the community, to provide flexibility for changes in household size associated with life cycle and to enable a level of financial security for home owners.

1. Location: Accessory dwelling units are allowed as an accessory use to a single-family detached residence and are limited to the following development configurations:
  - a. Over a detached garage, provided the parking within the garage is not eliminated or converted to living space, stairs or otherwise disrupts required parking;
  - b. Within the home through an internal conversion of the housing unit maintaining an internal connection between living areas; or
  - c. An addition to the home, containing an internal connection between the accessory dwelling unit and the principal part of the dwelling unit; provided, that the addition will not alter the single-family character of the structure.
2. External appearance: The accessory dwelling unit shall not alter the appearance of the structure as a single-family residence. There shall be no external evidence of occupancy by more than one (1) family, such as two (2) front doors. The architectural style, building materials and building colors of an accessory dwelling unit shall be compatible and consistent with the architectural style, materials, and color of the primary building. Mobile homes, travel trailers, boats, or similar recreational vehicles shall not be used as an accessory dwelling unit.
3. Sale of principle dwelling: An accessory dwelling unit shall not be sold separately from the sale of the principle building dwelling located on the same lot.
4. Owner occupied: The principle dwelling of the property shall be the primary residence of the property owner.
5. Number of units: A maximum of one (1) accessory dwelling unit may be established as a secondary use to a detached single-family dwelling.
6. Unit size: Accessory dwelling units shall not exceed the greater of 50% of the size of the principle dwelling or 1,200 square feet. In no case shall the accessory dwelling unit contain habitable square footage less than 300 square feet.
7. Dimensional standards: Accessory dwelling units shall comply with required building height, setbacks and all applicable dimensional standards listed in Chapter 32 Table of Uses and Development Standards for attached or detached accessory buildings.
8. Utilities: An accessory dwelling unit shall be connected to, and served by, the same water, sewer, electrical, and gas meters that serve the primary building. No separate utility lines, connections, or meters shall be allowed for an accessory dwelling unit.
9. Parking: A single-family dwelling with an accessory dwelling unit shall provide a minimum of four (4) off-street parking spaces located on a paved surface or approved driveway. A minimum of two (2) off-street parking spaces shall be designated for the use of those residing in the accessory dwelling unit. The number of off-street parking spaces shall not be less than the number of vehicles maintained on the property. Only driveways containing a minimum length of eighteen feet (18') may be counted toward required onsite parking. The minimum length of a driveway counting toward onsite parking shall not include any land associated with street rights-

of-way, sidewalks or public property/access. All onsite parking spaces shall contain a minimum width of eight feet (8').

10. Addresses: The single-family dwelling and accessory dwelling unit shall have unique addresses.
11. Entrance: The entrance to the accessory apartment shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.
12. ~~Application~~**Permit**: An accessory dwelling unit ~~application~~ ~~business license~~ may only be ~~approved if the property meets the standards listed in this Section.~~ ~~issued following the approval of a building permit.~~ An accessory dwelling unit shall not be authorized on a property that has outstanding ordinance violations or unpaid taxes.
13. Compliance with adopted codes: Accessory dwelling units shall meet all requirements of the adopted Building Code and other applicable city ordinances and regulations.

## **Section 15.34.150—Home Occupations:**

The following regulations are established to provide minimum standards for the establishment and operation of home occupations.

### ~~1.—Application and Approval Required~~

~~1.1. Home occupations may be approved following the receipt of a Home Occupation Application and subject to the following conditions:~~

~~1.1.1.—Home occupations are listed as an allowed use in the Residential Zoning District.~~

~~1.1.2.—The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by occupants of the dwelling.~~

~~1.1.3.—The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.~~

~~1.1.4.—The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the home occupation.~~

~~1.1.5.—No commercial vehicles are used except one delivery truck which does not exceed three-fourths (¾) ton rated capacity.~~

~~1.1.6.—The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.~~

~~1.1.7.—Signs are limited to one non-flashing sign not larger in area than two square feet.~~

~~1.1.8.—Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.~~

~~1.1.9.—The home occupation shall obtain, and maintain, a business license from the city.~~

~~1.1.10.—Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the State Health Department or other public agency.~~

~~1.1.11.—The physical appearance, traffic, and other activities in connection with the home occupation are not contrary to the intent of the Zoning District in which the home occupation is located.~~

~~1.2. Requirements Authorized. In order to achieve the purposes of this Ordinance the Land Use Authority may impose reasonable requirements on the establishment and operation of the home occupation.~~

## 1. Purpose and Intent

- a. To encourage the majority of business activities to be conducted in appropriate commercial zones. Business activities may be conducted within a residence on a limited basis if such activities comply with the standards of this ordinance. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a temporary privilege which can be revoked if disruption of the residential neighborhood occurs.

## 2. Definition

- a. The use of a residential dwelling for commercial activities; these activities must be clearly secondary to the primary residential use.

## 3. Home Occupation - without Impact

- a. A home occupation that only involves persons and related persons working on the premises or routinely operating from the premises who are permanent residents of the dwelling and where no customers are permitted.
- b. Business include non-impacting uses such as home-based office, clerical work, sales and crafting.

## 4. Home Occupation - with Impact

- a. A home occupation that involves the permanent resident(s) of the dwelling with a maximum of one (1) non-resident working on the premises at any point in time, and where customers are received.
- b. Is limited to only one (1) customer at a time and by appointment only.
- c. Visitors in conjunction with the home occupation shall be permitted only between the hours of 8.00 a.m. and 8.00 p.m.
- d. Permitted activities include but are not necessarily limited to the following:
  - i. Personal services, crafting, home cooking and sales.
  - ii. Music lessons, tutoring and general education instruction.

## 5. Home Occupation - Day Care

- a. As defined in the Vineyard Zoning Code Section 15.60.020 Definitions "Home Day Care" and must meet the following requirements:
  - i. The daycare service provider may have only one (1) non-resident employee.
  - ii. Daycare program shall be permitted only between the hours of 7:00 a.m. and 8.00 p.m.

## 6. Home Occupation - Preschool

- a. As defined in the Vineyard Zoning Code 15.60.020 Definitions "Home Preschool" and must meet the following requirements:

- i. Only a maximum of two (2) sessions is permitted per day
- ii. Preschool program shall be permitted only between the hours of 8:00 a.m. and 8:00 p.m.

7. The following uses and activities shall not be permitted in conjunction with a Home Occupation:

- a. Veterinarian office, kennel or any similar animal services; medical practitioners; outdoor storage or use of accessory structures.

8. The following conditions apply to all Home Occupation types:

- a. Incidental/Secondary – The home occupation must be clearly incidental and secondary to the principal use as a residence by the person conducting the occupation.
- b. Exterior – No home occupation shall alter the exterior of the home to differ from the residential use of colors, materials, construction or lighting. A salesroom or display window is prohibited.
- c. Storage – All equipment, supplies and materials used in business must be stored inside the home.
- d. Outdoor Activity – All home occupation activity shall be carried out within the home and shall not be observable by the general public from the street in front of the residence. Garage doors shall remain closed while business activity is conducted therein.
- e. Parking – Clearly marked driveway dimensions (or a scaled site plan) showing a total of four (4) parking spaces onsite, with a dimension of 8' wide by 18' deep each. Vehicles used by the business (other than passenger cars without signage) shall not be parked on the site, unless enclosed parking is utilized to shield the vehicles from view.
- f. Nuisances – No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted.
- g. Signs – There shall be no use of show windows, business display or advertising visible from outside the premises except a name plate attached to an exterior door that does not exceed one (1) square foot.
- h. Off-Site Employees – Any home occupation may utilize employees to work off site. The off-site employee, volunteer, hiree, or any other person engaged with the home

occupation shall not come to the home for purposes related to the Home Occupation Business License.

- i. Multiple Home Business Licenses – More than one home business license may be issued for a residence, provided that the home businesses or the accumulative effects of the home businesses do not violate the Zoning Ordinance for Home Occupation.
- j. Floor Area – The home occupation shall be conducted completely indoors. The total amount of floor area used for a home occupation shall not be greater than 25% of the total floor area of the principal dwelling unit including attached garages.

## 9. Application

- a. The following items shall be submitted to the city business licensing office in applying for a home occupation business license under:
  - i. Application forms as provided by the city and the associated fee as listed in the fee schedule.
  - ii. Description of the nature of the home occupation and information as requested in the application.
  - iii. Must meet the building code and its accessibility requirements.
  - iv. Sketch of the site plan of the property and the floor plan of the dwelling and the area to be devoted to the home occupation (with impact, day care, preschool) with dimensions and area calculations.
  - v. List of materials and equipment to be used.
  - vi. Hours of operation and the number of customers, vehicle trips and deliveries to be made each day.
  - vii. Other government approvals required for conducting the home occupation.
  - viii. Proposed remodeling needed to conduct the home occupation and whether a city building permit will be required.
  - ix. Signed affidavit by the applicant that all requirements and conditions of the city will be followed.



## **CHAPTER 24**

### **SIGNS**

#### **Section 2401—Purpose**

The purpose of this Chapter is to regulate signs, as defined herein, in order to:

- A. ~~Preserve and protect the public health, safety, and welfare within the Town of Vineyard.~~
- B. ~~Maintain a balance between the needs of the business community to promote visibility of their enterprises and the desire of Vineyard citizens for high quality development within the Town.~~
- C. ~~Promote the effectiveness of signs by preventing visual clutter, improper placement, and excessive size.~~
- D. ~~Protect pedestrians and motorists within the Town of Vineyard from damage or injury caused, or partially attributable, to the distraction and obstructions which are caused by improperly located signs, and poorly constructed signs.~~
- E. ~~Promote proper maintenance of signage to ensure continued safety and visual appearance.~~

#### **Section 2402—Requirement of Conformity**

It shall be a violation of the Zoning Ordinance for a sign to be placed or maintained within the Town of Vineyard except as provided by this Chapter.

#### **Section 2403—Interpretation of Sign Regulations**

- A. ~~The provisions of this Chapter shall apply to the erection, construction, alteration, use, location and maintenance of all signs within the Town of Vineyard.~~
- B. ~~Where there is a conflict between provisions of this Chapter and provisions of other regulations of the Town of Vineyard, the provisions of this Chapter shall take precedence.~~
- C. ~~For the purposes of this Chapter, the use of steel ladles from the former Geneva Steel Plant as entry features shall not be considered a sign. The location of the ladles and surrounding entry feature shall be approved by the Town Planner and Town Engineer.~~

#### **Section 2404—COMPREHENSIVE SIGN PLANS**

- A. ~~Purpose: To ensure design compatibility between all signage on a master planned site.~~

- ~~B. — A comprehensive sign plan must be submitted by any applicant proposing to develop or redevelop a project within the Town and shall be considered a required component of any preliminary site plan or preliminary plat application. The densities, height, and sign area for all signage shown within the comprehensive sign plan shall be in conformance with the requirements of this Chapter.~~
- ~~C. — A comprehensive sign plan shall, at a minimum, include the following items:~~
- ~~1. — Authorization from property owner.~~
  - ~~2. — A statement of design indicating how the proposal meets Town requirements for continuity and design. The applicant shall identify common themes along with a limited set of colors, materials, illumination methods, and fonts which complement the proposed building architecture.~~
  - ~~3. — A site plan identifying the location of all freestanding signs associated with the project.~~
  - ~~4. — Final elevations/details, in color, showing the dimensions, materials, colors, design, method of illumination, and ground plane treatment for all proposed freestanding signs.~~
  - ~~5. — Building elevations denoting the areas designated for wall mounted signage.~~
  - ~~6. — Typical elevations/details, in color, showing the materials, colors, fonts, method of mounting, and method of illumination for a typical wall mounted sign. If multiple letter types are proposed, the sign plan shall include a detail for each possible type.~~
  - ~~7. — Written sign standards and requirements, addressing items including but not limited to, temporary signage, window signage and prohibited signage.~~
  - ~~8. — Any additional materials required by the Town Planner or authorized designee.~~
- ~~D. — Comprehensive sign plans proposing freeway pylon signs shall include the following additional support materials:~~
- ~~1. — Computer photo simulations or other professionally rendered perspectives, to scale, in which the proposed freeway pylon sign is depicted on the site as if the freeway pylon sign was already in place. Simulations shall be provided from the following vantage points:~~
    - ~~a. — View of the freeway pylon sign from the same side of the road as the proposed freeway pylon sign at a location one quarter of a mile (1/4 mile or 1320') away from the proposed sign location.~~

- ~~e. View of the freeway pylon sign from the opposite side of the road as the proposed freeway pylon sign at a location one quarter of a mile (1/4 mile or 1320') away from the proposed sign location.~~
- ~~e. View of the freeway pylon sign from the residential development closest to the proposed freeway pylon sign location.~~
- ~~f. Any additional simulations or renderings from other perspectives or heights, as required by Town staff on a case by case basis.~~
- ~~E. A comprehensive sign plan must be approved prior to or in conjunction with a preliminary site plan or preliminary plat for any given project. Amendments to an approved comprehensive sign plan which meet all requirements of this Chapter shall be approved administratively.~~

**Section 2405 – General Requirements**

- ~~A. The following location requirements shall apply to all signs, excluding signs required for public/governmental purposes:
  - ~~1. No sign or sign structure shall be erected or maintained in the public right of way, within an easement (other than an easement specifically for a sign), or be attached to any street light, street sign, traffic signal, utility pole, utility box, fire hydrant, bus shelter or other structure in the public right of way except where explicitly allowed by this Chapter.~~
  - ~~2. When explicitly allowed by this Chapter, temporary signs within the right of way shall be placed at least one (1) foot behind the sidewalk. The sign shall be placed at least five (5) feet behind the back of curb if no sidewalk exists. If no sidewalk or curb exists, the sign shall be placed at least five (5) feet behind the edge of pavement.~~
  - ~~3. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any street, sidewalk, fire escape, fire lane, exit, or accessible route, as defined in the most current Americans with Disabilities Act Accessibility Guidelines (ADAAG).~~
  - ~~4. No sign or sign structure shall obstruct any street, sidewalk, private driveway, drive aisle, parking space, pedestrian path, or trail.~~
  - ~~5. No sign or sign structure shall project into or over any public sidewalk, street, alley, or other public place. Signs which project over public sidewalks a maximum of eight (8) feet may be approved if they meet aesthetic and safety requirements for their respective districts.~~~~

- ~~6. No sign or sign structure shall obstruct traffic by obscuring the vision of motorists. A minimum sight distance triangle of thirty three (33) feet shall be maintained at all street and driveway intersections; larger sight distance triangles may be deemed necessary by the Town Engineer.~~
- ~~7. No sign or sign structure shall extend above a building's parapet.~~
- ~~8. No permanent free standing sign or permanent freestanding sign structure shall be located within five (5) feet of an interior property line.~~
- ~~9. No illuminated wall mounted sign shall be permitted on a building elevation abutting any residential District or use unless separated by a public street.~~
- ~~10. No temporary sign shall be placed on, attached to, or hung from any permanent sign.~~
- ~~11. No temporary sign or display shall be placed on the roof of any building.~~
- ~~12. No sign or sign structure may be placed on private property without expressed, written consent of the landowner.~~
- ~~B. No sign shall be animated by mechanical or atmospheric means, except where explicitly allowed by this Chapter. This shall not prevent the use of searchlights allowed in conjunction with special events and promotions, as regulated by Section 7 of this Ordinance.~~
- ~~C. Sign Walkers shall be permitted subject to the following restrictions:~~
  - ~~1. A temporary sign permit shall be required for sign walkers:~~
    - ~~a. Each permit shall be valid for up to one (1) year and may cover up to five (5) individual sign walkers. Additional temporary sign permits will be required for every additional five (5) sign walkers.~~
    - ~~b. The completed temporary sign permit application shall identify the approximate location of all sign walkers.~~
    - ~~c. Violation of the terms of this subsection 2405(c) by any sign walker shall result in a revocation of all sign walker permits for the business being advertised by the person(s) in violation as well as the business employing the person(s) in violation, if different from the business being advertised. No new sign walker permits for said businesses shall be issued for one (1) year from the date of violation.~~
  - ~~2. Sign walkers shall be permitted only during daylight hours.~~
  - ~~3. It shall be prohibited for any sign walker to twirl, spin, throw, or otherwise animate a sign for the purpose of attracting the attention of the public. The normal movements~~

~~of a sign which occur as a result of a person walking with, carrying or balancing a sign will not constitute a violation of this provision.~~

- ~~4. It shall be prohibited for any sign walker to locate within a public street or median. When located within the public right-of-way adjacent to a street, sign walkers must remain a minimum of five (5) feet in back of the street curb line. A width of contiguous sidewalk shall be maintained unobstructed in accordance with ADA requirements. If no curb is present, sign walkers shall locate no closer than five (5) feet to the edge of pavement.~~
- ~~5. No tent, ramada, patio umbrella, or other temporary structure or device may be set up within the public right-of-way, in a location which causes any portion of the tent, ramada, patio umbrella, or other temporary structure to project into the public right-of-way, or within a site visibility triangle.~~
- ~~6. Sign walkers may locate on private property with permission of the private property owner. Sign walkers shall not locate in any drive aisle, entrance, exit, or other area designed and designated for vehicular circulation. If located on a private sidewalk, a width of contiguous pavement shall be maintained unobstructed in accordance with ADA requirements.~~

#### **Section 2406 – Calculation of Sign Area**

- ~~A. The area of a sign shall be calculated by using a combination of no more than two (2) parallelograms, ellipses, and/or triangles which enclose the extreme limits of the advertising message. Any frame, material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is displayed shall also be calculated towards the area of the sign.~~
- ~~B. Where a sign message consists of separate and individual letters, modules, or symbols, each portion of said sign message shall not be considered as a separate sign.~~
- ~~C. The necessary supports or uprights on which any freestanding sign is placed shall be excluded from a sign area calculation.~~
- ~~D. Only one (1) face of a double faced sign shall be considered in determining its sign area, except that both sides shall be counted in instances where the distance between faces exceeds six (6) feet.~~
- ~~E. Where permitted by this Chapter, multi-tenant monument signs may consist of more than one (1) sign panel provided all such sign panels are attached to one common integrated sign structure. The calculation of area of a multi-tenant sign shall include all tenant panels and project identification information, excluding the portion(s) of a sign dedicated to providing the street number and/or address of the development site;~~

~~provided, however, that this exclusion for the street number or address shall not apply to street numbers used as part of the business name.~~

- ~~F. Where signs are of a three dimensional, round, or other solid shape, the largest cross-section viewed as a flat projection shall be used for the purpose of determining the sign area. Signs visible from more than one direction or without clearly defined sign faces shall be considered as having two faces and each face calculated in the total allowable area.~~

## **~~Section 2407 – Permanent Sign Design, Illumination, And Construction~~**

### ~~A. General~~

- ~~1. All permanent signs shall be designed to conform to the standards set forth approved development plan or site plan.~~
- ~~2. The lighting source of a directly illuminated sign shall not be visible to any residential district adjacent to the lot or parcel on which said sign is located.~~
- ~~3. The use of reflective material is prohibited.~~

### ~~B. Freestanding Signs~~

- ~~1. All permanent freestanding signs shall be situated perpendicular to the street, excluding low profile wall identification signs which may be situated parallel to a street.~~
- ~~2. All permanent freestanding signs shall be monument style only and shall complement the site architecture.~~
- ~~3. Landscaping shall be provided at the base of all permanent freestanding signage at a rate of four (4) square feet of landscaping for each one (1) square foot of sign area. A minimum of seventy five (75) percent of the required landscape area shall be covered with vegetative plant material.~~

### ~~C. Wall and Building Mounted Signs~~

- ~~1. Wall mounted box cabinet signs greater than six (6) square feet in area shall be prohibited.~~
- ~~2. Signs mounted to wall mounted exposed raceways are prohibited unless structural limitations make other mounting alternatives infeasible, as determined by the Town Planner.~~
- ~~3. No sign shall be painted directly onto building facades or walls. No text shall be painted on a building wall for the purposes of advertising a business or product except as an integral part of an approved graphic logo.~~

~~4. No sign shall be painted on, mounted to, or affixed in any way to an awning and/or canopy. Interior illuminated awning signs are prohibited in all districts.~~

~~D. Variable Message Signs~~

~~1. Variable message signs using replaceable lettering shall have a secured, clear plastic cover, or equivalent.~~

~~2. Variable message signs shall have static displays. video, animation, and special effects such as traveling, scrolling, fading, dissolving, and bursting shall not be permitted except for signs for movie theaters. Static message displays shall not change more than once every eight (8) seconds.~~

~~3. Variable message signs which incorporate electronic message displays shall not increase the brightness level by more than 0.3 foot candles over ambient brightness levels, to be measured as follows~~

~~a. With the sign off or displaying black copy, a foot candle meter shall be used to record the ambient light reading for an area. Said measurement shall occur at least 30 minutes after sunset, from a distance which varies based upon the size of the sign, as follows:~~

<b>Size of Sign</b>	0-100 SF	101-350 SF	351-650 SF	651-1000 SF	1001+ SF
<b>Distance for Measurement</b>	100 feet	150 feet	200 feet	250 feet	350 feet

~~b. With the sign on and displaying full white copy, a second measurement shall be taken from the exact location of the ambient level reading.~~

~~c. A difference between the first and second reading of less than 0.30 foot candles is acceptable. Any sign in which the difference between the first and second reading is 0.30 or greater shall be in violation of this Ordinance. Signs in violation of this Ordinance shall be shut off until they are adjusted to meet the conditions herein.~~

~~4. Variable message signs which incorporate electronic message displays are required to have an automatic dimmer control to allow for automatic dimming of the intensity of the sign illumination and accommodate varying light conditions.~~

~~5. Any permitted variable message sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within forty eight (48) hours by the owner or operator of such sign.~~

**Section 2408 – Temporary Sign Design, Illumination, And Construction**

- A. ~~Where permitted, temporary signs shall be constructed of durable and weather-resistant materials and be anchored, weighted, or tied down to avoid being displaced in windy conditions. All balloons and inflatable structures shall be tethered.~~
- B. ~~Where permitted, temporary signs shall not be illuminated except when the illumination is approved in conjunction with a temporary use pursuant to Section 1 of this Ordinance. This provision shall not prevent the use of searchlights allowed in conjunction with special events and promotions as regulated by Section 7 of this Ordinance.~~
- C. ~~Attachments to any permitted temporary sign, including but not limited to balloons and ribbons, are prohibited.~~

**Section 2409 – Nonconforming Signs**

- A. ~~Reasonable repair and maintenance of nonconforming signs shall be allowed. In the event a nonconforming sign is damaged or vandalized, the nonconforming sign must be restored to its previous condition within six (6) months or the nonconforming status of the sign shall be forfeited.~~
- B. ~~If any entity that utilizes a non-conforming sign ceases operation for a period of one (1) year, the nonconforming status of the sign shall be forfeited.~~
- C. ~~Not later than six (6) months after forfeiture of nonconforming status, such nonconforming signs shall be removed at the property owner's expense. Any forfeited nonconforming sign not removed within this six (6) month period shall be considered an abandoned sign for the purpose of enforcement.~~

**Section 2410 – Prohibited Signs**

- A. ~~The following signs are prohibited:~~
  - 1. ~~Abandoned Signs.~~
  - 2. ~~Outlining of a building by means of exposed incandescent lighting.~~
  - 3. ~~Vehicle signs.~~
  - 4. ~~Off premise signs, except where explicitly allowed by this Ordinance.~~
  - 5. ~~Variable Message Signs, except where explicitly allowed by this Ordinance.~~
  - 6. ~~Pole Signs.~~
  - 7. ~~Illegal Signs, as defined by this Ordinance, excluding signs required for governmental purposes.~~

~~8. Billboards.~~

**Section 2411 – Signs Authorized Without Permits**

~~A. Permits shall not be required for the following signs or situations; provided, however, that such signs shall be subject to any and all applicable provisions of this Ordinance.~~

~~1. Standard sign maintenance.~~

~~2. Sign relocation as required by the Town.~~

~~3. Flags, pennants, or insignias of any nation, state, county, Town or other government entity or religious organization.~~

~~4. Temporary decorations, displays or banners celebrating the occasion of recognized patriotic, religious or local holidays or events.~~

~~5. Official traffic, fire, and police signs, both temporary and permanent, including but not limited to, changeable message signs, traffic control signs, street signs, traffic signals and devices and markings of the State of Utah and the Town of Vineyard or other authorized public agency, or the posting of notices as required by law.~~

~~6. Window Signs~~

~~a. Temporary window signs are permitted in commercial and employment districts only. The window sign(s) may be displayed for a period not to exceed thirty (30) days.~~

~~b. The total sign area shall not exceed twenty five (25) percent of the window area of each window.~~

~~c. Window signs shall not be placed on required exit doors.~~

~~7. Non-illuminated directional or informational signs that (a) do not include directions to commercial establishments and (b) do not exceed three (3) feet in height and six (6) square feet in area. The width of the sign at its base shall be equal to or greater than the width of the sign at its top.~~

~~8. Political Signs~~

~~a. For parcels or lots less than one (1) acre located in a residential zoning district, the maximum sign area of a political sign shall be sixteen (16) square feet and the maximum height shall be five (5) feet. For parcels or lots greater than one (1) acre located in a residential zoning district and for all parcels or lots located in~~

~~commercial and employment zoning districts, the maximum sign area shall be thirty-two (32) square feet and the maximum height shall be eight (8) feet.~~

~~b. Each candidate or ballot measure shall be limited to one (1) sign per street frontage on each lot or parcel.~~

~~c. Political signs may be erected within sixty (60) days of a local or national election. Political signs shall be removed no later than ten (10) days after the date of the election to which they refer. This shall not prevent a sign displayed for a primary election to remain if the candidate is part of a subsequent general election.~~

~~d. Political signs shall be kept in a safe and well-maintained condition. Signs that are damaged, worn or neglected shall be removed or repaired within forty-eight (48) hours after the damaged, worn or neglected condition is brought to the sign owner's attention.~~

#### ~~9. Ideological Signs~~

~~a. In residential districts, the maximum sign area shall be sixteen (16) square feet and the maximum height shall be five (5) feet. In commercial and employment districts, the maximum sign area shall be thirty-two (32) square feet and the maximum height shall be eight (8) feet.~~

~~b. One ideological sign shall be allowed per lot or parcel.~~

~~c. Ideological signs may be displayed for up to sixty (60) consecutive days on any lot or parcel. The minimum period between displays shall be ninety (90) days.~~

#### ~~10. Garage, Yard, and Estate Sale Signs~~

~~a. Temporary signs for individual garage, yard, and estate sales are permitted in all zoning districts. The maximum number of signs shall be two (2) per lot. The maximum sign area shall be four (4) square feet and the maximum height shall be three (3) feet.~~

~~b. Sale signs may be located offsite up to two thousand six hundred forty (2,640) feet from the edge of the lot or parcel upon which the sale is being conducted; provided, however that no such sign shall be permitted within the public right-of-way and shall only be permitted on private property with permission from the property owner(s).~~

~~c. Sale signs shall not be displayed more than twenty-four (24) hours before the start of the sale and shall be removed at the end of each sale day.~~

#### ~~11. Real Estate Signs~~

- ~~a. Real estate signs are permitted in all zoning districts. For parcels less than one (1) acre, the maximum sign area of a real estate sign shall be six (6) square feet and the maximum height shall be five (5) feet. For parcels one (1) acre or larger, the maximum sign area shall be thirty two (32) square feet and the maximum height shall be eight (8) feet.~~
- ~~b. One (1) sign shall be allowed for each three hundred thirty (330) feet of street frontage. The minimum distance between signs on the same parcel shall be two hundred (200) feet.~~
- ~~c. Real estate signs are allowed only on the property being offered for sale, lease, or rent.~~

~~12. Open House Directional Signs~~

- ~~a. Open house directional signs are allowed in all zoning districts. The maximum sign area shall be four (4) square feet and the maximum height shall be three (3) feet.~~
- ~~b. No more than four (4) signs related to the open house may be displayed at one time.~~
- ~~c. Open House Directional Signs may be located offsite up to two thousand six hundred forty (2,640) feet from the edge of the lot or parcel upon which the open house is being conducted; provided, however that no such sign shall be permitted within the public right of way and shall only be permitted on private property with permission from the property owner(s).~~
- ~~d. Signs shall be displayed only when a salesperson is on duty at the open house and must be removed at the end of each sale day.~~

~~13. Contractor Signs~~

- ~~a. Contractor signs are allowed on construction sites in all zoning districts once construction permits have been issued. In residential districts, the sign shall have a maximum area of six (6) square feet and a maximum height of five (5) feet. In commercial and employment districts, the sign shall have a maximum area of sixteen (16) square feet and a maximum height of eight (8) feet.~~
- ~~b. One (1) sign shall be allowed for each general contractor and subcontractor actively working on the construction site.~~
- ~~c. All signs shall be removed prior to the issuance of a Certificate of Occupancy or final clearance on the construction site.~~

~~14. Address Signs as follows:~~

~~a. General~~

- ~~1. Every building or group of buildings in any residential, commercial, or industrial zoning district shall be identified by a street number sign.~~
- ~~2. Structures located within complexes containing multiple buildings shall also be identified by a building identification number or letter.~~
- ~~3. Required address signs shall not count towards the total wall sign area permitted.~~

~~b. Single Family Residential~~

~~All single family residences must be identified by a street number with minimum four (4) inch high contrasting numbers with a five eighths (5/8) inch stroke width. The address must be located to be visible from the public right-of-way.~~

~~e. Multi Family Residential~~

- ~~1. Within multi family residential complexes, the building(s) nearest the street must identify the street number of the complex with minimum eighteen (18) inch high contrasting numbers/letters with a three (3) inch stroke width.~~
- ~~2. All buildings within the complex shall identify the building number/letter with minimum eighteen (18) inch high contrasting numbers/letters with a three (3) inch stroke width. Buildings are required to provide two (2) or more building identification signs per each one hundred (100) feet of the length of the building elevation.~~
- ~~3. All buildings within the complex shall include apartment spread numbers (e.g. Units 201-210) identified with minimum seven (7) inch high contrasting numbers/letters with a one (1) inch stroke width.~~
- ~~4. Each individual unit shall be identified near the unit entryway using minimum four (4) inch high contrasting numbers/letters with a five eighths (5/8) inch minimum stroke width.~~

~~d. Commercial/Employment~~

- ~~1. All commercial and employment buildings shall identify the street number of the building with minimum eighteen (18) inch high contrasting numbers/letters with a three (3) inch stroke width.~~
- ~~2. All commercial and employment buildings within multi building complexes must identify the building number/letter with minimum eighteen (18) inch high contrasting numbers/letters with a three (3) inch stroke width.~~

- ~~3. Each individual unit shall be identified near the primary unit entryway using minimum six (6) inch high contrasting numbers/letters with a one (1) inch stroke width.~~

### **Section 2412— Signs Authorized with Permits**

#### **A. Single Family Developments**

~~Permanent subdivision identification signs for master planned developments and/or recorded subdivisions are subject to the following:~~

- ~~1. A maximum of two (2) signs are permitted for each entry. The maximum area of such sign shall be fifty (50) square feet and the maximum height shall be six (6) feet. Each subdivision or master planned development shall provide a minimum of one (1) such sign at primary ingress points.~~
- ~~2. Signs shall be of the monument type, or consist of individually mounted letters affixed to perimeter walls near subdivision entries.~~
- ~~3. Signs may include only the name of the subdivision.~~
- ~~4. Places of Worship and Private Schools located within Single Family Residential Districts shall be permitted one freestanding monument sign that is 6 feet in height and 40 square feet in area. It is recommended that Municipal, State, and Federal uses, and Public and Charter Schools located in Single Family Residential Districts follow these same standards.~~

#### **B. Multi Family Developments**

~~Permanent identification signs for multi family developments are allowed and shall adhere to the requirements in this Chapter. In addition, the following are also allowed in multi family developments:~~

- ~~1. One (1) directory map sign shall be permitted for each entrance to the residential development, not to exceed thirty six (36) square feet in area with a maximum height of six (6) feet. Said directory map sign must be illuminated.~~
- ~~2. Signs may include only the name and address of the multi family development.~~
- ~~3. Places of Worship and Private Schools located within Single Family Residential Districts shall be permitted one freestanding monument sign that is 6 feet in height and 40 square feet in area. It is recommended that Municipal, State, and Federal uses, and Public and Charter Schools located in Single Family Residential Districts follow these same standards.~~

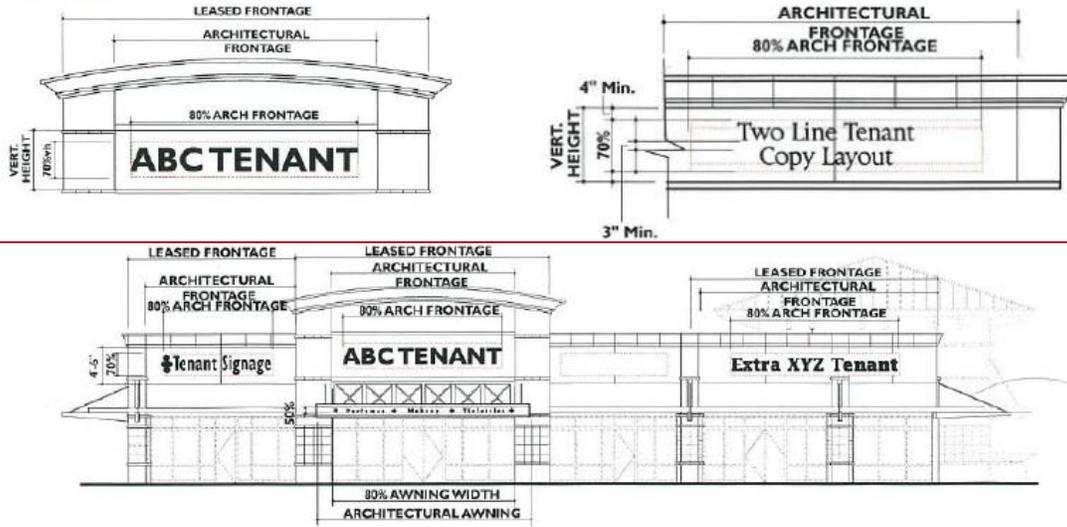
#### **D. Non Residential Uses**

~~1. Wall Mounted Signage~~

~~a. Location~~

- ~~i. Wall signs shall be centered horizontally and vertically within the architectural frontage and located over the tenant space. Wall signs for single tenant building may be located anywhere on the building elevations as long as they are located in an architecturally defined sign field as approved with the site plan application.~~
- ~~ii. The overall length of any sign shall not exceed 80% of the architectural frontage on which it is placed. The overall height shall not exceed 70% of the narrowest portion of the vertical fascia height on which it is placed.~~
- ~~iii. Wall signs are allowed only on the exterior elevation of the space occupied by the business.~~
- ~~iv. A wall sign shall be affixed parallel to a permanent part of the exterior of a building and shall project less than 18 inches from that wall. A wall sign may never extend above the eave, horizontal roof line or roof parapet or located within twelve (12) inches from the eave or parapet. Wall signs shall be prohibited for structures with integral roofs~~
- ~~v. All lettering or cabinets shall be individually mounted. Raceways are prohibited. A minimum of 3" line spacing shall be used between all multiple lines.~~
- ~~vi. Tenants with multiple building frontages that are eligible for wall mounted signage on two (2) or more building elevations may transfer the allowed sign area between eligible building elevations, in whole or in part.~~
- ~~vii. In addition to the above, a total of three (3) square feet of non illuminated sign area shall be permitted on each building or tenant frontage, adjacent to the primary entry.~~
- ~~viii. Wall mounted signage shall not be permitted for any tenant suite that does not abut an exterior building wall.~~
- ~~ix. Wall mounted signage for shall conform to a single color, font, and method of illumination, as approved during the comprehensive sign review process.~~
- ~~x. Excluding vertically integrated mixed use buildings which contain retail uses on the ground floor, buildings in excess of two stories shall be allowed only one (1) wall mounted sign per elevation, to be located in a sign band between the top of the upper story windows and the top of parapet. Said sign shall not be required to be located over the tenant's particular suite.~~

Wall Sign Location Examples:



b. Wall sign area shall be as follows:

	Employment Uses **	Office Uses*	Commercial Uses
Maximum Sign Area (Primary Elevation)	1 SF per Linear Foot	1 SF per Linear Foot	1 SF per Linear Foot
Maximum Sign Area (Secondary Elevation Facing Public Streets)	None	0.50 SF per Linear Foot	0.50 SF per Linear Foot
Maximum Sign Area (Freeway Facing Elevations)	None	None	1.50 SF per Linear Foot
Maximum Sign Size	75 SF	75 SF	250 SF
Minimum Sign Size	18 SF	18 SF	18 SF
Maximum Number of Elevations with Signs	Primary Elevation Only	Maximum of 3 Elevations; Illuminated signs cannot face residential	Maximum of 3 Elevations; Illuminated signs cannot face residential
Supplemental Design Requirements	None	Additional Requirements for Buildings	See applicable Comprehensive Sign Plan

		ings greate r than 2 storie s *	
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~~2. Directory Signs~~

- ~~a. Directory signs shall be permitted for multi tenant developments within all commercial and employment districts. The quantity and location of directory signs shall be approved during the site plan review process.~~
- ~~b. In all districts directory signs shall not exceed twelve (12) square feet in area and six (6) feet in height.~~
- ~~c. Directory signs may be building mounted or freestanding. Freestanding directory signs shall be located behind the required building setbacks.~~
- ~~d. Directory signs shall be illuminated, either by an internal source or through the use of down lighting.~~

~~3. Single Tenant Monument Signs~~

- ~~a. One (1) single tenant monument sign shall be permitted for single users. Two (2) single tenant monument signs shall be permitted for properties with frontage on two (2) arterial streets; provided, however, that both signs shall not be placed along the same street frontage.~~
- ~~b. The maximum height and area varies is six feet in height and 40 square feet.~~
- ~~c. No single tenant monument sign shall be permitted for an individual user or pad site within a master planned multi-tenant development. Panels on multi-tenant monument signs shall be used in place of individual single tenant monument signs in those instances.~~
- ~~d. The single tenant monument sign structure may extend above the maximum allowable height for the purpose of architectural embellishment. Such embellishment shall not extend the height of the sign more than twenty (20) percent over the allowed sign height. No commercial symbol, representation, logo, insignia, illustration, or other form of advertising message may extend into the architectural embellishment portion of the sign.~~
- ~~e. The leading edge of a single tenant monument sign shall be set back at least five (5) feet from any property line and out of any site visibility lines.~~

~~i. The single tenant monument sign shall include the street number of the site. The street number shall not count against the maximum sign area allowed.~~

~~j. The final location of permitted signs shall be approved during the site plan review process.~~

#### ~~4. Multi Tenant Monument Signs~~

~~a. Each multi-user development shall be permitted one (1) multi-tenant monument sign on each street frontage. For properties with a street frontage of eight hundred (800) feet or more, multi-tenant monument signs shall be permitted at the rate of one (1) sign per every four hundred (400) feet of frontage. Multi-tenant monument signs shall be separated by a minimum distance of three hundred thirty (330) feet and may not be transferred from one street frontage to another.~~

~~b. The maximum height and area is eighteen (18) feet and eight (80) square feet. The maximum number of panels is six (6).~~

~~d. The multi-tenant monument sign structure may extend above the maximum allowable height for the purpose of architectural embellishment. Such embellishment shall not extend the height of the sign more than twenty (20) percent over the allowed sign height. No commercial symbol, representation, logo, insignia, illustration, or other form of advertising message may extend into the architectural embellishment portion of the sign.~~

~~e. The leading edge of a multi-tenant monument sign shall be set back at least five (5) feet from any property line and out of any site-visibility lines.~~

~~f. The name of the office complex, shopping center, or commerce/industrial park shall be prominently included on the sign.~~

~~g. The multi-tenant monument sign shall include the street number of the site. The street number shall not count against the maximum sign area allowed.~~

~~i. The letters and logos used to identify individual tenants shall have a minimum height of four (4) inches.~~

~~j. The final locations of multi-tenant monument signs shall be approved during the site plan review process.~~

#### ~~5. Freeway Pylon Signs~~

~~a. General~~

~~1) Freeway pylon signs shall only be permitted as part of a comprehensive sign plan approved pursuant to Section 2404 above.~~

~~2) Freeway pylon signs are permitted in the Regional Mixed Use and Town Center Zoning Districts for master planned developments encompassing a minimum of thirty (30) acres and having at least four hundred (400) linear feet of direct frontage adjacent to the Geneva Road or the Vineyard Connector. Properties that meet these requirements may be permitted one freestanding, double sided, freeway pylon sign. A second freeway pylon sign shall be permitted for properties that meet the requirements of this section and have direct freeway frontage in excess of two thousand six hundred forty (2,640) feet.~~

~~b. Location~~

~~1) Freeway pylon signs shall be located no more than fifteen (15) feet from the right-of-way line of the adjacent road.~~

~~2) Proposed freeway pylon signs may not be located closer than one thousand three hundred twenty feet (1,320) from an existing or approved freeway pylon sign on the same side of the road.~~

~~3) Proposed freeway pylon signs shall be located a distance of no less than twenty (20) times the proposed actual height (including sign embellishment) of the freeway pylon sign from existing single family residential uses. This distance shall be measured from the physical location of the freeway pylon sign to the closest point of the nearest single family residential lot line. (Example: a seventy one (71) foot high freeway pylon sign will require a minimum 1,420 foot setback).~~

~~c. Height and Area~~

~~1) Freeway pylon signs shall not exceed sixty five (65) feet in height.~~

~~2) The total sign area per sign face shall not exceed eight hundred (800) square feet.~~

~~d. Design~~

~~1) The freeway pylon sign may identify up to six (6) individual tenants.~~

~~2) The base of a freeway pylon sign shall be no less than fifteen (15) feet wide and no greater than thirty (30) feet wide. No portion of the sign structure can exceed one hundred thirty (130) percent the width of the base.~~

~~3) The sign area and the base must be designed and constructed using compatible themes, materials, and colors with the overall design of the development and will be evaluated during the Design Review process.~~

- ~~5) The project or destination name of the development shall be emphasized on the freeway pylon sign. A minimum of fifteen (15) percent of the total sign area shall be devoted to the project or destination name.~~
- ~~6) The identification of the development name and tenant names on the sign shall be in the form of individual pan-channel lettering, aluminum routed lettering with acrylic background, or other high quality sign design characteristics. Removable tenant panels made completely of acrylic or plexi-glass materials are prohibited.~~
- ~~7) Freeway Pylon signs shall not be externally illuminated.~~
- ~~e. With the exception of movie theaters, Freeway Pylon Signs shall not incorporate electronic message displays.~~
- ~~f. The Town Council may in its sole discretion, grant a Freeway Pylon Sign Exception (FPSE) for development projects that can demonstrate exceptional design and promotion of the purpose and intent of this Chapter. An FPSE will allow for Freeway Pylon signs to vary from certain established standards. Approvals of Freeway Pylon Sign Exceptions shall be granted at the sole and absolute discretion of the Town Council. The standards that may be altered through a FPSE are exclusive to the following:
  - ~~1) Sign Height, shall be no higher than is reasonably necessary for the sign copy to be visible from a vehicle approaching on the same side of a freeway from a distance sufficient to permit vehicles to safely exit the freeway, as determined after evaluation of the materials required by this Chapter. In no instance shall any freeway pylon sign exceed one hundred ten (110) feet.~~
  - ~~2) Sign area, shall be no larger than is reasonably necessary for the sign copy to be visible from a vehicle approaching on the same side of a freeway from a distance sufficient to permit vehicles to safely exit the freeway, as determined after evaluation of the materials required by this Chapter. In no instance shall the total sign area per sign face exceed one thousand four hundred (1,400) square feet.~~
  - ~~3) Sign width shall not be less than fifteen (15) feet or greater than fifty (50) feet.~~~~
- ~~6. Drive Thru Menu Boards
  - ~~a. Where drive thru uses are allowed, drive thru menu board signs are permitted:~~
  - ~~b. One (1) preview menu board and one (1) ordering menu board is allowed per drive-thru business. Such signs may be free standing or wall mounted. For dual drive-thrus, one additional preview and menu board may be allowed by the Town Planner if the drive thru lanes are completely screened from adjacent uses.~~~~

- ~~e. The maximum area for each sign shall not exceed thirty-two (32) square feet. The maximum sign height shall not exceed six (6) feet for freestanding signs.~~
- ~~d. Menu board signs shall be screened from street views by a combination of screen walls and dense landscaping~~
- ~~e. Menu boards containing speaker boxes must be located a minimum of seventy (70) feet from any residential zoning district or use and, to the extent possible, oriented away from the residential use.~~

~~7. Blade Signs~~

- ~~a. Blade signs are permitted in all commercial and employment districts.~~
- ~~b. Each user shall be permitted one (1) blade sign hung directly outside of the business's primary entrance.~~
- ~~e. Maximum size of blade signs shall be three (3) feet in length and one (1) foot in height and be oriented to display the message perpendicular to the face of the building. Blade signs with dimensions larger than referenced above shall be considered projecting signs and may only be permitted in Zoning Districts in which projecting signs are allowed.~~
- ~~d. The sign shall be suspended from a roof overhang, covered walkway or covered porch. No part of a suspended sign shall extend beyond the edge of the overhang.~~
- ~~e. A minimum clearance of seven (7) feet shall be maintained between the bottom of the sign and the nearest grade or sidewalk.~~

~~8. Center Identification Wall Signs~~

- ~~a. Center identification wall signs are permitted in the Regional Mixed Use, Lake Oriented Mixed Use, Town Center Zoning Districts for centers containing two (2) or more buildings.~~
- ~~b. Center identification wall signs shall only be located on building frontages that are not designed for tenant occupancy, such as over breezeways.~~
- ~~e. Center identification wall signs shall contain the name of the building or shopping center only.~~
- ~~d. Each center identification wall sign shall be allowed twenty-four (24) square feet of area or one (1) square foot of sign area for each linear foot of un-occupiable building frontage, whichever is greater.~~

~~e. The number and location of center identification wall signs shall be approved as part of the center's comprehensive sign plan.~~

~~9. Freestanding Variable Message Signs for Elementary Schools, Secondary Schools, and Colleges~~

~~a. One (1) freestanding variable message sign shall be permitted in addition to any allowed freestanding identification signs on the property, subject to the requirements of this Ordinance.~~

~~b. The maximum sign area shall be thirty-two (32) square feet and the maximum height shall be fourteen (14) feet.~~

~~10. Variable Message Signs for Motion Picture and Performing Arts Theaters~~

~~a. In addition to the otherwise allowable wall signage for the district in which the theater is located, theaters shall be allowed one (1) variable message sign located on the wall or marquee of a theater building.~~

~~b. The sign shall not exceed seventy-five (75) square feet or the maximum allowed wall sign area, whichever is less.~~

~~11. Freestanding Variable Message Signs for Municipal Uses~~

~~Freestanding identification signs for municipal uses in all commercial and employment districts shall be allowed to use up to fifty (50) percent of the allowable single tenant monument sign area for a variable message sign, subject to the requirements of this Ordinance.~~

~~12. Freestanding Variable Message Signs for Vehicle Fueling Stations~~

~~a. Vehicle fueling stations on independent parcels may use up to twenty-four (24) square feet of an allowed single tenant monument sign for a variable message fuel price sign.~~

~~b. Vehicle fueling stations that are part of a shopping center or other planned development where businesses are not permitted to have individual freestanding identification signs shall be allowed one (1) freestanding fuel price sign on each adjacent street frontage. The maximum sign area shall be sixteen (16) square feet and the maximum height shall be six (6) feet.~~

~~E. Permanent Off-Premise Signs~~

~~1. No permanent off-premise signs shall be permitted except those explicitly authorized by this section.~~

~~2. Community Kiosk Signs~~

- ~~a. Sign panels on Town approved kiosk structures may be permitted for the purpose of providing directional information to community facilities and attractions and residential developments including apartment developments within the first two (2) years after approval of the first building permit for the site.~~
- ~~b. Community kiosk signs shall not exceed twelve (12) feet in height and five (5) feet six (6) inches in width.~~
- ~~c. Community kiosk signs shall be located within the public right of way of a major collector or higher street classification. A right of way permit shall be required.~~
- ~~d. A community kiosk location plan shall be prepared showing the site of each kiosk and shall be submitted and approved by the Town Planner prior to issuance of a sign permit.~~
- ~~e. A minimum of thirty (30) inches at the top of each kiosk sign shall be reserved for the placement of an approved Town logo and a twenty four (24) inch clearance shall be provided on the bottom of each community kiosk.~~
- ~~f. Sign panels advertising residential developments shall not exceed eighteen (18) inches in height.~~

~~F. Temporary Signs~~

~~1. Portable Religious Assembly Signs~~

- ~~a. Temporary identification and directional signs for religious assemblies are allowed in all zoning districts subject to obtaining a temporary sign permit. The permit will be valid for up to one (1) year.~~
- ~~b. The maximum sign area shall be eight (8) square feet and the maximum height shall be three (3) feet.~~
- ~~c. Portable religious assembly signs may be located offsite up to two thousand six hundred forty (2,640) feet from the edge of the lot or parcel upon which the assembly is being conducted; provided, however that no such sign shall be permitted within the public right of way and shall only be permitted on private property with permission from the property owner(s).~~
- ~~d. Signs shall not be displayed more than twenty four (24) hours in advance of the first assembly and must be removed promptly after the last assembly each day.~~

~~2. Interim Business Identification Banners~~

- ~~a. Banners may be used for temporary business identification in the commercial and employment districts subject to obtaining a temporary sign permit. A sign permit for an interim business identification banner may only be approved upon the applicant demonstrating to Town staff that substantial progress has been made toward manufacture and installation of the permanent sign.~~
- ~~b. The area of the banner shall not exceed the area permitted for the permanent wall sign.~~
- ~~c. The banner shall only be placed on the wall of the tenant space occupied by the business.~~
- ~~d. Interim business identification banners may be displayed only from the date a Certificate of Occupancy is issued until the date the permanent sign is installed subject to the following limitations:
  - ~~1) The initial display period shall not exceed thirty (30) days, but may be extended by the Development Services Director or designee if the applicant demonstrates substantial progress toward installation of the permanent sign. All extension requests and approvals shall be in writing.~~
  - ~~2) The total display period shall not exceed ninety (90) days under any circumstances.~~
  - ~~3. Grand Openings and Special Promotions~~
    - ~~a. Temporary signs may be used to advertise grand openings and special promotions in all zoning districts subject to obtaining a sign permit. Grand openings and special promotion signs may include pennants, banners, flags, inflatable structures, search lights, character or product likenesses, attention attracting media and devices and other non-merchandise displays.~~
    - ~~b. Commercial/Employment Developments~~
      - ~~1) Grand opening signs are allowed for a maximum of thirty (30) consecutive days when a new business opens, the business name changes or there is a change in business ownership. There shall be a minimum of one hundred eighty (180) days between displays.~~
      - ~~2) Temporary signs may be used to advertise special promotions for a maximum of ten (10) consecutive days no more than three (3) times each calendar year. There shall be a minimum of thirty (30) days between each display.~~
      - ~~3) Lighter than air balloons shall not exceed twice the allowed building height or one hundred (100) feet, whichever is less.~~~~

~~e. Residential Developments~~

- ~~1) Temporary signs may be used to advertise the grand opening of a model home complex, apartment complex, or residential condominium development or the conversion of an apartment complex to condominiums, for a maximum period of thirty (30) consecutive days.~~
- ~~2) Temporary signs may be used to advertise special promotions, such as rent specials, for a maximum period of thirty (30) consecutive days no more than three (3) times per calendar year, with a minimum period of thirty (30) days between each display.~~
- ~~3) Lighter than air balloons shall not exceed twice the allowed building height or one hundred (100) feet whichever is less.~~

~~4. Business Identification A-Frame Signs~~

- ~~a. A-Frame signs may be used for onsite business identification and advertising for commercial, office, and employment uses subject to obtaining a sign permit. The sign permit shall be valid for a period of one (1) year, but may be renewed annually subject to Town review and approval.~~
- ~~b. A-Frame signs shall not exceed two (2) feet in width and three (3) feet in height.~~
- ~~c. One A-Frame sign shall be allowed for each business with a gross floor area of less than ten thousand (10,000) square feet. In no instance shall a business be allowed more than one (1) A-Frame sign.~~
- ~~d. A-Frame signs shall not be located:~~
  - ~~1) On a public street or public sidewalk.~~
  - ~~2) Closer than thirty (30) feet to the edge of an access drive or street intersection right-of-way.~~
  - ~~3) In raised, painted or landscaped medians.~~
  - ~~4) Across a public street from the business in which it advertises.~~
  - ~~5) In parking spaces, driveways or drive aisles.~~
  - ~~6) Where there is less than four (4) feet of clearance for pedestrian passage or at any other location that would pose a potential hazard to pedestrian traffic.~~
  - ~~7) On top of any vehicle, structure, screen wall, boulder, or landscaping other than turf or decomposed granite.~~

- e. ~~A-Frame signs may be located within the public right-of-way, however said signs must be placed at least one (1) foot behind the sidewalk when adjacent to a public street. If no sidewalk exists, the sign shall be placed at least five (5) feet behind the back of curb line. If no sidewalk or curb exists, then the sign shall be placed at least five (5) feet behind the edge of pavement.~~
- f. ~~Businesses in a shopping center or other multi-tenant complex may place an A-Frame sign adjacent to the business, at the perimeter of the site, or in a landscaped common area unless otherwise prohibited by this Ordinance.~~
- g. ~~The minimum separation between A-Frame signs shall be twenty (20) feet.~~
- h. ~~A-Frame signs must adhere to the following construction standards:
  - 1) ~~Signs shall be constructed of not less than one half (1/2) inch thick, high density, exterior grade material with sufficient weight to withstand wind gusts and weather.~~
  - 2) ~~Signs shall have a protective water resistant coating that is impervious to weather.~~
  - 3) ~~Signs shall be maintained in a professional manner so as to be free of chipping paint, cracks, gouges, loss of letters and fading.~~~~
- i. ~~The sign shall be displayed only from sunrise to sunset during hours when the business is open to the public.~~

**G. ~~Future Development Signs~~**

- a. ~~Future development signs are allowed on undeveloped parcels in all zoning districts subject to obtaining a sign permit. One (1) sign shall be allowed per development on each street frontage. The sign must pertain to the property on which it is located.~~
- b. ~~A sign permit for a future development sign shall not be issued prior to site plan approval or preliminary plat approval.~~
- c. ~~On parcels less than one (1) acre, the sign shall have a maximum area of six (6) square feet and a maximum height of five (5) feet. On parcels one (1) acre to twenty (20) acres, the sign shall have a maximum area of thirty two (32) square feet and a maximum height of eight (8) feet. On parcels of twenty (20) acres or larger, the sign area shall have a maximum area of sixty four (64) square feet and a maximum height of twelve (12) feet.~~
- d. ~~The sign shall be removed if building permits have not been issued within one (1) year from the date the sign permit is issued.~~
- e. ~~The sign shall be removed prior to or concurrent with the placement of a construction sign on the site.~~

~~H. Residential Subdivision Signs~~

- ~~a. Temporary subdivision identification signs are allowed in all single family residential zoning districts subject to obtaining a sign permit. One (1) sign shall be allowed at each arterial entry to the subdivision. The sign must pertain only to the subdivision in which it is located.~~
- ~~b. A sign permit shall not be issued prior to the issuance of construction permits for homes within the subdivision.~~
- ~~c. The maximum sign area shall be forty eight (48) square feet and the maximum height shall be twelve (12) feet.~~
- ~~d. The edges of the sign shall be boxed.~~
- ~~e. All signs shall be removed when the models for the subdivision close or when ninety five (95) percent of the lots have been sold if there are no models.~~

~~I. Model Home Signs~~

- ~~a. Model home signs are permitted in all residential districts subject to obtaining a sign permit. One (1) sign shall be allowed at each model home complex within the subdivision.~~
- ~~b. A sign permit shall not be issued prior to the issuance of building permits for the model homes.~~
- ~~c. The maximum sign area shall be forty eight (48) square feet and the maximum height shall be twelve (12) feet.~~
- ~~d. The edges of the sign shall be boxed.~~
- ~~e. The sign shall be removed when the model home complex closes.~~

~~J. Model Home Pennants~~

- ~~a. Model home pennants are permitted in all residential districts subject to obtaining a sign permit. A maximum of ten (10) pennants shall be allowed per model home complex.~~
- ~~b. The maximum pennant size shall be six (6) square feet and the maximum height at which they are flown shall be twenty (20) feet.~~
- ~~c. The minimum spacing between poles shall be ten (10) feet.~~

~~d. Pennants shall be removed when the model home sales office closes.~~

~~K. Neighborhood and Community Event Signs~~

~~a. Neighborhood and community event signs are permitted in all zoning districts.~~

~~b. No such sign shall be permitted within the public right of way and shall only be permitted on private property with permission from the property owner(s).~~

~~c. The maximum sign area shall be eight (8) square feet and the maximum height shall be (3) feet. The number of onsite and offsite signs for each event shall be determined at the time of sign permit approval.~~

~~d. Signs shall not be displayed more than seventy two (72) hours prior to the event.~~

~~e. All signs must be removed within twenty four (24) hours after the event.~~

~~L. Signage for Approved Temporary Uses~~

~~a. Onsite Identification Signs~~

~~1) Identification signs for temporary uses approved in accordance with this Ordinance are allowed in all zoning districts subject to obtaining a sign permit. One (1) onsite sign shall be allowed per street frontage.~~

~~2) For parcels less than one acre located in residential districts, the maximum sign area shall be sixteen (16) square feet and the maximum height shall be five (5) feet. For residential parcels one (1) acre or larger and for all parcels within commercial or employment districts, the maximum sign area shall be thirty two (32) square feet and the maximum height shall be eight (8) feet.~~

~~3) Signs shall not be displayed more than seventy two (72) hours prior to the start of the temporary use.~~

~~4) All signs must be removed promptly at the end of the temporary use.~~

~~b. Traffic Directional Signs~~

~~1) On site traffic directional signs for temporary uses approved in accordance with this Ordinance are allowed in all zoning districts subject to obtaining a sign permit. The maximum area of each onsite sign shall be eight (8) square feet and the maximum height shall be three (3) feet.~~

~~2) Off site traffic directional signs for temporary uses approved in accordance with Section 1 of this Ordinance are allowed when specifically required by the Town.~~

~~The type, location, and size of offsite directional signs shall be determined during the temporary use permit approval process. Permission from applicable property owners is required for all off site signs. Off site traffic directional signs shall only be displayed when the temporary use is open to the public unless otherwise authorized during the temporary use approval process.~~

~~M. Street Banners~~

- ~~a. Street banners are permitted in all zoning districts subject to obtaining a right of way permit.~~
- ~~b. Street banners shall require the approval of the Town Planner and the Town Engineer.~~
- ~~c. All banners must further the interests of the community.~~
- ~~d. Street banners shall only be hung from approved street light poles or other structures on brackets that meet Town engineering standards.~~

~~N. Geneva Master Development Sign~~

- ~~a. One master development sign shall be permitted for the Geneva Site.~~
- ~~b. Maximum Area Per Sign in Square Feet: 200 square feet~~
- ~~c. Maximum Height: 30 feet~~
- ~~d. Location: 800 North and Geneva Road~~

**~~Section 2413 Sign Permitting.~~**

~~A. General~~

- ~~1. No sign shall hereafter be erected, re-erected, constructed or altered except as provided by this Section. Where sign permits are required, a separate permit shall be requested for a sign or signs for each business entity, and/or separate permit shall be required for each group of signs on a single supporting structure. Where signs are illuminated electrically, a separate electrical permit shall be obtained as required by the Town's adopted electrical code.~~
- ~~2. Nothing contained herein shall prevent the erection, construction, and maintenance of official traffic, fire and police signs, signals, devices, and markings of the State of Utah and the Town of Vineyard, or other public authorities, or the posting of notices required by law.~~

~~B. Permit Application and Expiration~~

- ~~1. Except as otherwise noted in this Section, it shall be unlawful for any persons to erect, alter, construct, or relocate any sign within the Town without first obtaining a permit. In addition, electrical permits are required for electrical signs.~~
- ~~2. A sign permit application shall be submitted to the Town Planner. The application shall contain the location by street and number of the proposed sign, as well as the name, address and signature of the property owner, business owner and sign contractor. Three (3) copies of plans and specifications shall be submitted with the application for each sign; one (1) copy being returned to the applicant at the time the permit is issued. All plans shall show complete details, to include size, materials, colors, method of support or attachment, name and address of the persons or firm designing said sign, and a plot plan showing location of sign on the premises.~~
- ~~3. Prior to acceptance of any Sign Permit application, the Town shall collect a plan review fee in accordance with a Town Planner fee schedule established by the Town Council.~~
- ~~4. Prior to issuance of any Sign Permit required by this Chapter, the Town shall collect permit fees in accordance with a fee schedule established by the Town Council.~~
- ~~5. If work for which a permit is required by this Chapter is started before a permit has been issued, the fees shall be doubled. The payment of such double fee shall not relieve any persons from in the execution of the work or from any penalties prescribed herein.~~
- ~~6. If installation of a sign has not commenced under any permit issued under the provision of this section within one hundred eighty (180) days from the date of such permit, or upon completion of building, such permit shall become null and void.~~
- ~~7. All signs for which a permit is required shall be subject to the following inspections:
  - ~~a. Footing inspection on all freestanding signs exceeding six (6) feet in height.~~
  - ~~b. Inspection of all braces, anchors, supports, and connections, including wall signs.~~
  - ~~c. All signs containing electrical wiring shall be subject to the Town's adopted electrical code; all electrical components shall bear the label of an approved testing agency.~~
  - ~~d. Site inspection to ensure that the sign has been constructed according to approved application and a valid sign permit.~~~~
- ~~8. All temporary signs requiring permits shall be marked with a Town issued sticker denoting the permit number and expiration date.~~

~~9. Each sign shall be maintained in good order and repair at all times so that it constitutes no danger or hazard to public safety.~~

**~~Section 2414 – Sign Definitions~~**

~~A Frame Sign: A temporary/portable sign constructed in such a manner as to form an “A” or tent like shape.~~

~~Abandoned Sign: Any sign that no longer correctly directs a person to or advertises a bona fide business, lessor, owner, product, activity conducted, or product available on the premises where such sign is displayed.~~

~~Address Sign: A sign designed to display the number or other designation assigned to a housing unit, business establishment, or other structure for purposes of mail delivery, emergency services, and so forth.~~

~~Animated Sign: Any sign which includes action, motion, or color changes of all or any part of the sign facing, requiring electrical energy or set in motion by movement of the atmosphere, excluding flags.~~

~~Banner: A temporary sign made of fabric, plastic, or other light, pliable, weather-resistant material, not enclosed in a rigid frame.~~

~~Blade Sign: A small, pedestrian-oriented sign that is hung beneath a canopy for the purpose of business identification.~~

~~Box Cabinet Sign: A sign which contains two dimensional text and/or logos painted on or otherwise affixed to a panel, usually lexan, and attached to a cabinet. This definition shall not include custom cabinet signs, which by definition include a minimum of three (3) graphic levels to create depth and add visual interest.~~

~~Building Façade: The exterior elevation of a building structure excluding any porches, overhangs, covered walkways, drive thru covers, or similar appendages.~~

~~Center Identification Wall Sign: A sign located on the exterior wall of a building used to identify only the name of a shopping center or office complex. Such a sign may only be placed on building frontage that is not occupied by any tenant and that is common building space, such as a common lobby or open breezeway.~~

~~Classic Sign: A sign (freestanding, building-mounted or otherwise) that is determined by the Town Council to be of extraordinary significance to the Town’s history and identity and that possesses unique physical design characteristics.~~

~~Commercial Center: Any property with a minimum land area of ten (10) acres developed with a multi-tenant office or retail development.~~

~~Community kiosk sign: A Town managed off-premise sign designed to provide directional information to residential developments, community facilities, and attractions.~~

~~Contractor Sign: A temporary sign identifying an architect, engineer, contractor, subcontractor, or material supplier who participates in construction on the property on which the sign is located.~~

~~Curb Line: The line at the face of the curb nearest the street or roadway. In the absence of a curb, the curb line shall be established by the Town Engineer.~~

~~Custom Cabinet Sign: A sign composed of a minimum of three (3) graphic levels, each level a minimum of eight (8) inches deep, mounted to a custom, non-rectangular cabinet. Each graphic level must be opaque and contrasting in color, texture, and/or material from one another in order to create depth and dimension. Custom cabinet signs shall utilize pan channel or reverse pan channel letters for the name of the business; secondary copy and/or background graphics may be routed from the face with backup or push-through acrylic. Custom cabinet signs must utilize halo illumination to provide definition to the outer edge of the cabinet.~~

~~Development Services Director: The person designated by the Vineyard Town Manager to oversee the planning and development related services for the Town.~~

~~Directly Illuminated Sign: Any sign designed to provide artificial light through exposed lighting on the sign face, such as neon. This definition shall not include internally illuminated pan channel or other similar internally illuminated signs.~~

~~Directional Sign: A sign of non-commercial nature which indicates access to parking and loading areas or indicates traffic circulation patterns; or which indicates the location of public or educational institutions, historical areas or structures, or public parks. Directional signs shall not include the name or logo of any commercial business.~~

~~Directory Sign: A sign designed to show the relative location of several commercial activities within a shopping center, office park, commerce park, apartment complex, or other multi-tenant master-planned development.~~

~~Drive-Thru Menu Board: A wall or freestanding sign that lists the products and prices of products for items available at drive-thru facilities, often containing a two-way communication device used by customers to place an order.~~

~~Electrical Sign: Any sign or advertising device which has electrical wiring in or attached to it.~~

~~Electronic Message Display: A sign or portion of a sign consisting of a video screen or similar technology displaying a fixed and/or varying message and which changes through electronic means.~~

~~Embellishment: Anything that enhances the appearance of a freestanding sign without having a functional purpose. For the purpose of this Ordinance, embellishment may not include any symbol, representation, logo, insignia, illustration, or other form of advertising message for any business on site. It may contain the name and/or symbol, representation, logo, or insignia of a master planned shopping center, office park, commerce park, or other master planned multi-tenant development.~~

~~Flag: Any fabric or other flexible material designed to be flown from a flagpole or similar device.~~

~~Freestanding Sign: A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.~~

~~Freeway: For the purposes of this Ordinance, freeway shall mean Interstate 10, to include all traffic lanes, ramps, appurtenances, and undeveloped or unpaved land within the ADOT right-of-way.~~

~~Freeway Pylon Sign: A freestanding sign designed and oriented to attract the attention of freeway drivers to a commercial or mixed use development site directly abutting a freeway right-of-way.~~

~~Fuel Price Sign: A variable message sign used by vehicle fueling stations to identify the type, grade, and price of fuel being sold.~~

~~Future Development Sign: A temporary sign which provides information about the future development of a property and may include a depiction of an approved site plan, approved building elevations, as well as contact information for parties involved in the project.~~

~~Grand Opening Sign: A temporary sign used to indicate the opening of a new business or residential community. Grand opening signs can take the form of pennants, banners, flags, inflatables, character or product likenesses, attention attracting media and devices, and other inanimate non-merchandise displays.~~

~~Ideological Sign: A temporary sign which announces or supports the personal views of the property owner or tenant of the parcel on which the sign is located.~~

~~Illegal sign: Any sign which does not meet at least one of the following conditions:~~

- ~~1. Allowed by this Chapter and not requiring a permit.~~
- ~~2. Allowed by this Chapter with permit and carrying a valid permit.~~
- ~~3. Not allowed by this Chapter but legalized by variance and proper permit.~~
- ~~4. Not allowed by this Chapter but approved as part of an approved comprehensive sign plan associated with a Planned Area Development (PAD) or through a development agreement.~~
- ~~5. A nonconforming sign as defined in this Ordinance.~~

~~Interim Business Identification Banner: A temporary banner used to identify a business only during the time period a permanent wall sign is being designed, constructed, and installed.~~

~~Interior Property Line: A recorded property line of a parcel or lot that is located within the area circumscribed by a recorded plat but not abutting public right-of-way.~~

~~Internally Illuminated Sign: A sign that contains a source of illumination located wholly inside the sign, designed to make the sign content visible at night by means of light being transmitted through a translucent material, but for which the source of illumination is not visible.~~

~~Indirectly Illuminated Sign: A sign that contains a source of illumination wholly within the sign which makes the design visible at night by means of lighting the background upon which free-standing characters or letters are mounted, but for which the source of illumination is not visible. The characters or letters themselves shall be opaque, and are silhouetted against the background.~~

~~Leading Edge: The portion of a free standing sign or the base of the sign that is nearest to a property line.~~

~~Low Profile Wall Identification Sign: A type of wall sign identifying the name and/or address of a master-planned commercial, employment, or mixed-use development which is used to create a sense of place. Low profile wall identification signs shall not be used for advertising purposes.~~

~~Maintenance: The replacing or repairing of a part or portion of a sign made unusable by ordinary wear and tear or by damage beyond the control of the sign's owner.~~

~~Marquee: A permanent roof-like structure extending from part or all of the building facade over a public right-of-way and constructed of some durable material such as metal, glass, or plastic.~~

~~Master Planned Development: A self-contained development under unified ownership, often with a mixture of land uses, planned and developed as a whole in a single phase or programmed in a determined series of phases, and in which the subdivisions and zoning controls are applied to the project as a whole rather than to individual lots.~~

~~Model Home Sign: A temporary sign which serves to draw attention to a developer's sales office and/or model home site.~~

~~Monument Sign: A freestanding sign where the base of the sign structure is on the ground or a maximum of twelve (12) inches above the adjacent grade. The width of the top of the sign structure can be no more than one hundred twenty (120) percent the~~

~~width of the base. The design of monument signs shall complement the architecture of buildings on the site. In addition to tenant information, all monument signs shall contain the address of the building(s) it supports.~~

~~Multi-Tenant Monument Sign: A monument sign that serves as a common or collective identification for two (2) or more uses on the same site. In addition to tenant information and address, multi-tenant monument signs shall contain the name of the shopping center, office park, or other multiple user development type which it serves.~~

~~Multi-Tenant Non-Residential Development: A development site whereupon a number separate commercial and/or employment activities are located and in which there are appurtenant shared facilities, such as parking and pedestrian walkways. Distinguishing characteristics of a multi-tenant non-residential development may, but need not, include common ownership of the real property upon which the development is located, common wall construction, and multiple-occupant commercial use of a single structure. To include shopping centers, office parks, and commerce parks.~~

~~Nonconforming Sign: Any sign which is not allowed under Chapter, but which, when first constructed, was legally allowed by the Town of Vineyard or the political subdivision then having the control and regulation over construction of signs. To retain conforming status, such signs shall be determined to be in current and continuous use.~~

~~Off-premise Sign: A sign or similar structure that portrays information and directs attention to a business, commodity, service, entertainment, or product not located on the premises upon which the sign is located.~~

~~Open House Sign: A temporary sign used to advertise the sale of a house and direct traffic to the house for sale, which can be placed off-site in proximity to the house for sale.~~

~~Parapet: The portion of a wall which extends above the roof line.~~

~~Parcel: A lot or a contiguous group of lots under common ownership and/or control, considered a single development site.~~

~~Permanent Sign: A sign that is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position.~~

~~Political Sign: A temporary sign announcing or supporting candidates or issues in connection with any national, state, or local election.~~

~~Portable sign: Any sign not permanently affixed to the ground or structure on the premises it occupies.~~

~~Portable Religious Assembly Sign: A portable sign, often located off-site, used to display the time and date of religious services at a nearby place of worship and to direct people to said place of worship.~~

~~Plate Line: The point at which any part of the roof structure first touches or bears upon an external wall.~~

~~Pole Sign: A freestanding sign where the width of the top of the sign structure is over one hundred twenty (120) percent wider than the width of the base.~~

~~Primary Elevation: The side of a commercial, office, or industrial building or tenant suite that contains the main entrance. In instances where there is no singular main entrance, the primary elevation shall be the building's most significant side as determined by the Zoning Administrator.~~

~~Projecting sign: Any sign attached to a building or other structure that extends in whole or in part more than fifteen (15) inches beyond the building line. Where permitted by Chapter, projecting signs, excluding blade signs, shall be considered wall-mounted signs for the purpose of calculating area.~~

~~Raceway: An electrical enclosure that may also serve as a mounting structure for a sign. Signs mounted to exposed raceways are prohibited.~~

~~Real Estate Sign: A temporary sign indicating the availability for sale, rent, or lease of a specific parcel, building, or portion of a building, along with contact information for the associated property owner or real estate broker.~~

~~Roof line: The highest point of the main roof structure, not including cupolas, projections or other similarly minor raised portions of the roof.~~

~~Single-tenant Monument Sign: A monument sign that identifies the name, address and tenant information of a single-user development. Single-tenant monument signs may not be used by freestanding pad buildings or any other businesses located within a planned shopping center.~~

~~Single User Development: Any lot and single-tenant building that is not part of a master planned development or multi-tenant non-residential development.~~

~~Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization, and further not including any item of merchandise normally displayed within a show window of a merchant.  
The term "sign" shall mean and include any display of any letter, numeral, figure, emblem, picture, outline, character, visible to the eye and used for the purpose of~~

~~attracting attention outdoors, when display is visible beyond the boundaries of the lot or parcel of property on or over which the same is made.~~

~~Sign Area: See Section 2406~~

~~Sign Height: The vertical distance measured from the adjacent street grade or upper surface of the curb, whichever permits the greatest height, to the highest point of said sign, excluding embellishment.~~

~~Sign Structure: The supports, uprights, braces, and framework of a sign.~~

~~Sign Walker: A person who wears, holds, or balances a commercial sign for the explicit purpose of promoting a business.~~

~~Special Promotion Sign: A temporary sign used to advertise a sale event or other similar special promotion. Grand opening signs can take the form of pennants, banners, flags, inflatables, character or product likenesses, attention attracting media and devices, and other inanimate non-merchandise displays. Search lights may also be used.~~

~~Stroke Width: The width of the major lines comprising a letterform. A wider stroke width is used to make a bolder letter; a narrower stroke width is used to make a lighter letter.~~

~~Subdivision Identification Sign: A sign, by means of symbol or name, identifies a residential community. Subdivision identification signs shall not include information used for a commercial purpose, including leasing rates, phone numbers, or similar.~~

~~Temporary Sign: A sign not intended or designed for permanent display.~~

~~Theater Sign: A variable message sign used by motion picture and performing arts theaters to announce current attractions, show times, and on-site events.~~

~~Variable Message Sign: A sign or portion of a sign designed to allow the immediate and frequent change of copy by manual, mechanical, or electronic means.~~

~~Vehicle Sign: A sign mounted, pasted, painted, or drawn on any vehicle, whether motorized or drawn, that is placed, parked, or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message.~~

~~Wall Mounted Sign: A sign mounted to the wall of a building or structure.~~

~~Way finding Sign: A temporary, removable sign intended to allow businesses located within pedestrian-oriented environments to identify a business name and/or the service being provided.~~

~~Window Sign: A sign affixed to the interior or exterior of a window, or any sign located inside a building within six (6) feet of the interior side of the window and displayed so as to attract the attention of persons outside the building.~~

## **15.48 Signs**

### **15.48.010 PURPOSE AND INTENT**

The purpose of this sign ordinance is to preserve and protect the health, safety and general welfare of city residents and businesses by regulating the design, materials, size, number and location of signs and:

1. Reduce potential hazards to motorists and pedestrians by providing adequate signage in order to identify a business or facility while eliminating excessive, obtrusive, and confusing sign displays and excessive illumination.
2. Preserve and improve the aesthetic appearance of the City by reducing or prohibiting signage that is overbearing, creates visual clutter or excessive illumination.
3. To encourage well-designed signs that contribute in a positive way to the city's visual environment and help maintain an image of quality for the city.
4. To provide for temporary signs in limited circumstances, without regard to the communicative content of the sign
5. Provide each sign user an opportunity for effective identification.
6. To support the goals and policies of the Vineyard General Plan
7. To establish a process for the review and approval of a sign permit application.

### **15.48.020 SEVERABILITY**

If any section, sentence, clause, phrase, word, portion or provision of this Title is held invalid or, unconstitutional, or unenforceable, by any court or competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion or provision of this Title which can be given effect within the invalid portion. In adopting this Title, the City Council affirmatively declares that it would have approved and adopted the Title even without any portion which may be held invalid or unenforceable.

### **15.48.030 MESSAGE SUBSTITUTION**

Subject to the land owner's consent, a noncommercial message of any type may be substituted, in whole or in part, for any commercial message or any other noncommercial message provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Title. The purpose of this provision is to prevent any inadvertent favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This provision applies to all sections within this Title.

### **15.48.040 GENERAL**

Signs shall be allowed within the city according to the regulations contained in this section. It shall be unlawful to erect or otherwise display a sign without complying with the applicable terms and provisions of this section.

1. **Sign Permit Required:** Prior to erecting, construction, placement, relocation, alteration, and/or modification of any sign, a sign permit shall be obtained from the city except as exempted within

this Title. Such application for sign permit shall be subject to standards, procedures and other requirements of this section.

**2. Permit Exemptions:** The following items are exempt from permit requirements but shall conform to the specifications of this Title and sign definitions listed in Section 15.48.080:

- a) Official Signs, signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer.
- b) Incidental signs.
- c) Standard sign maintenance.
- d) Interior signs that are not visible or intended to be visible from the public-way.
- e) Site address.
- f) Flags.
- g) Temporary signs except as stated within this Title.
- h) Window Signs.

**3. Permit Application Process**

- a) Except as otherwise noted in this Title, it shall be unlawful for any persons to erect, alter, construct, or relocate any sign within the city without first obtaining a permit. In addition, electrical permits are required for electrical signs.
- b) A sign permit application shall be submitted to the Planning Department on an application formatted and maintained by the city. The application shall contain:
  - i. The number of proposed signs.
  - ii. The location of the sign/s on the building or premises.
  - iii. Plans and specifications including attachment details.
  - iv. Final elevations/details, in color, showing the dimensions, materials, colors, design, method of illumination, and landscaping for all proposed freestanding signs.
  - v. Building elevations/details denoting the areas designated for wall mounted signage.
  - vi. All plans shall show complete details to include size, materials, colors, method of support or attachment.
  - vii. Any additional materials required by the city in order to approved the sign permit for issuance.
- c) Prior to the issuance of any sign permit application, the city shall collect a sign permit fee in accordance with a fee schedule established by the city council.
- d) If installation of a sign has not commenced under any permit issued under the provision of this Title within one hundred eighty (180) days from the date of such permit, or upon completion of building, such permit shall become null and void.
- e) All signs for which a permit is required shall be subject to the following inspections:
  - i. Footing inspection on all freestanding signs exceeding six (6') feet in height.
  - ii. Inspection of all braces, anchors, supports, and connections, including wall signs.
  - iii. All signs containing electrical wiring shall be subject to the city's adopted electrical code, inspected to meet code compliance and; all electrical components shall bear the label of an approved testing agency.
  - iv. Site inspection to ensure that the sign has been constructed according to the approved application and valid sign permit.

- f) All temporary signs requiring permits shall be marked with the approved permit number.
  - i. Each sign shall be maintained in good order and repair at all times so that it constitutes no danger or hazard to public safety.

#### 4. Sign Standard Waiver

- a. Purpose: A Sign Standard Waiver may be approved by the Planning Commission as an alternative to the requirements set forth in this Title for the uses and developments listed below:
  - i. Stand-alone or Multi-tenant commercial, office or employment uses.
  - ii. A multi-building complex for a single commercial or employment use in a project exceeding 40 net acres.
  - iii. Shopping Centers.
  - iv. Hospitals.
  - v. Hotels and Commercial lodging having at least 150 guest rooms and a full-service restaurant or conference and meeting rooms.
  - vi. Conference Centers.
  - vii. Auto malls.
  - viii. Indoor or Outdoor commercial recreation areas.
  - ix. Commuter/light rail stations.
  - x. Motor vehicle fueling stations.
  - xi. Drive-thru facilities.
  - xii. Gateway Feature **Sign**.
- b. Conditions: The Planning Commission may attach conditions, requirements, or standards necessary to assure that the signs covered by the Sign Standard Waiver meet the intent of this Title and will not be materially detrimental to persons or property in the vicinity. In making its determination the Planning Commission shall not base any condition on the message content of a sign. The Planning Department will have the right to inspect that any conditions set by the Planning Commission are being met.
- c. Evaluation Criteria: Sign Standard Waivers shall be evaluated based on the following criteria:
  - i. Placement: All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and sight triangles. Wall signs may be approved on building walls other than the wall space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
  - ii. Quantity: The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
  - iii. Height: All signs shall be no larger than necessary for visibility and legibility. In no event shall a Sign Standard Waiver contain a freestanding sign that exceeds by

more than twenty feet (20') for multi-tenant signs and ten feet (10') for single tenant signs.

- iv. Sign Area: In no event shall any sign exceed more than twenty-five percent (25%) any maximum sign area standard permitted by this Title.
- v. Design Features and Materials: Sign design themes and materials shall be compatible with the architecture, colors, and materials of the project.

d. Procedure

- i. A sign permit application shall be submitted to the Planning Department on an application formatted and maintained by the city. The application shall contain:
  - (1) The number of proposed signs.
  - (2) The location of the sign/s on the building or premises
  - (3) Plans and specifications
  - (4) Final elevations/details, in color, showing the dimensions, materials, colors, design, method of illumination, and landscaping for all proposed freestanding signs.
  - (5) Building elevations/details denoting the areas designated for wall mounted signage.
  - (6) Photometric Plan for signs with illumination.
  - (7) All plans shall show complete details to include size, materials, colors, method of support or attachment.
  - (8) A narrative describing why a waiver is needed.
  - (9) Any additional materials required by the city planner or authorized designee.

ii. Once staff has deemed the application complete the application will be taken to the next reasonable Planning Commission meeting.

e. Other

ii.i. Prohibited signs are excluded from receiving a Sign Standard Waiver, except as allowed within this Title.

**5. Nonconforming Signs**

- a. Reasonable repair and maintenance of nonconforming signs shall be allowed. In the event a nonconforming sign is damaged or vandalized, the nonconforming sign must be restored to it previous condition within six (6) months or the nonconforming status of the sign shall be forfeited.
- b. If any entity that utilizes nonconforming sign ceases operation for a period of one (1) year, the nonconforming status of the sign shall be forfeited.
- c. Not later than six (6) months after forfeiture of nonconforming status, such nonconforming signs shall be removed at the property owners expense. Any forfeited nonconforming sign not removed with this six (6) month period shall be considered an abandoned sign for the purpose of enforcement.

## 6. Prohibited Signs

- a. Signs located within any public street, right of way, or other public property, except as allowed in this Title.
  - b. Any sign located so as to conflict with the clear visibility of public devices controlling traffic or to impair the safety of a moving vehicle by distracting the vision of the driver.
  - c. Any sign which is not specifically permitted in this Title.
  - d. Signs which bear or contain statements, words, symbols, images or depictions that are obscene or indecent as to minors as those terms are defined in the U.C.A.
  - e. Signs with intermittent or flashing illumination, animated or moving signs and video/television/computer displays. Except as allowed within this Title.
  - f. Any inflatable object used for promotional or sign purposes.
  - g. Billboards.
  - h. Pole or Pylon signs.
  - i. Portable/A-frame signs.
  - j. Abandoned signs.
  - k. Signs emitting sound.
  - l. Wall mounted box cabinet signs, not including projecting signs.
  - m. Bench signs.
  - n. Vehicle signs, does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
  - o. Roof signs.
  - p. Neon signs.
  - q. Permanent signs installed, attached, or painted to fences.
- ¶. Flying Banner Signs

## 7. Measurement of Sign Area

- a. Single-faced sign
  - i. For signs having a distinct border or boundary, the sign area shall be calculated by multiplying the length times the width of the entire surface contained within the border, boundary, sign board, or sign face.
  - ii. For signs with no distinct border or boundary, the sign area shall be calculated by computing the area of a simple rectilinear figure consisting of not more than eight perpendicular lines that contain all of the writing, representations, emblems, logos, or other display elements of the sign.
- b. Double-faced sign
  - i. For signs with two (2) identical faces, arranged back to back in parallel planes, and where the sign faces are separated by no more than thirty-six (36) inches, the sign area shall be calculated for one side only.
- c. Multi-faced sign

- i. For a sign with more than one face, the area shall be calculated by adding together the area of all sign faces visible from any point.

## 8. Measurement of Sign Height

- a. Sign height shall be measured as the distance from the base of the sign to the highest portion of the sign.
- b. Ground shall not be augmented in a manner that adds height to the sign.
- c. Clearance for projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

## 9. Sight Triangle

- a. No sign or sign structure shall obstruct traffic by obscuring the vision of motorist. A minimum sign distance triangle of thirty (30) feet shall be maintained at all street and driveway intersections; larger sign distance triangles may be deemed necessary by the City Engineer.

## 10. Sign Location

- a. No **permanent** signs shall be placed within the public right-of-way, park strips along roadways or within an easement.
- b. No sign shall be attached to any street post, street sign or other structures within the public right-of-way except where allowed.
- c. No sign may occupy a sight triangle.
- d. No **permanent** sign or sign structure shall be located within five (5) feet of a property line.
- e. No sign shall be placed in such a position as to endanger pedestrian, bicyclists, or traffic on street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
- f. On any property where permission to erect and maintain the sign has not been given by the owner or lease holder.

## 11. Sign Illumination

The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:

- a. External light sources shall be steady, stationary, directed and shielded light sources directed solely onto the sign.
- b. Signs shall not have exposed fluorescent tubes or incandescent bulbs.
- c. Internally illuminated signs shall have opaque face panels so that only the letters, logos, numbers or symbols appear illuminated. A halo effect is not allowed except through a Sign Standard Waiver.

- d. Electrical raceways and conduits shall be placed so that they are not within public view, not exceed the sign copy, and shall be painted the same colors as the wall surface.
- e. Signs with electrical components shall be constructed, inspected and approved by the Building Department
- f. Awnings with back-lit text or graphics are not allowed
- g. Lighting fixtures shall be decorative and architecturally compatible with the building.

#### **15.48.050 REGULATIONS BASED ON SIGN TYPE**

The Sign Standard Table governs the maximum height, sign area, location, and quantity restrictions unless otherwise noted below.

##### **1. Freestanding Signs**

- a. All permanent freestanding signs shall be located a minimum of 50 feet from any other permanent freestanding sign on the same parcel.
- b. All permanent freestanding signs shall be situated perpendicular to the street.
- c. All permanent freestanding signs shall be of monument style only and shall complement the site architecture.
- d. Landscaping shall be provided at the base of all permanent freestanding signage.

##### **2. Drive-Thru Lane Signs**

- a. Where drive-thru uses are allowed, drive-thru lane signs are permitted
- b. No more than two (2) drive-thru lane signs are allowed for a drive-thru business establishment.
- c. The total maximum sign area shall not exceed fifty (50) square feet and six (6) feet in height.
- d. A drive-thru lane freestanding sign shall be constructed with a solid base.
- e. A computer display may be used.

##### **3. Changeable Copy Sign**

- a. Changeable Copy signs shall have static displays that shall not change more than once every eight (8) seconds. Video, animation or special effects such as traveling, scrolling, fading, dissolving, and bursting shall not be permitted, except through a Sign Standard Waiver
- b. Shall not increase the brightness level by more than 0.3-foot candles over ambient brightness levels.
- c. Changeable Copy signs which incorporate electronic message displays are required to have an automatic dimmer control to allow for automatic dimming of the intensity of the sign illumination and accommodate varying light conditions.

##### **4. Flags**

- a. Flags or Flagpoles shall not be located within any public right-of-way.
- b. Flagpoles shall have a maximum height of thirty-five (35) feet for residential and fifty (50) feet for commercial. Flagpoles over thirty (30) feet in height shall require a building permit.

- c. No more than two (2) flagpoles per lot in residential districts, no more than three (3) flagpoles per lot in all other districts.
- d. For each principal structure on a parcel, up to two (2) flag brackets or stanchions may be attached or placed for the display of flags.
- e. The maximum sign area of a flag displaying a commercial message shall not exceed twenty-four (24) square feet in residential districts, thirty-five (35) square feet in all other districts. For the purpose of determining the sign area of a flag, only one side of the flag shall be counted.

#### **5. Wall Signs**

- a. Signs may be either internally or externally illuminated
- b. Excluding vertically integrated mixed-use buildings which contain retail uses on the ground floor, buildings excess of two stories shall be allowed only one (1) wall mounted sign per elevation, to be located in a sign band between the top of the upper story windows and the top of parapet. Said sign shall not be required to be located over the tenant's particular suite.

#### **6. Awning Sign**

- a. Logos, symbols and graphics that do not include text may be allowed on the shed (slope) portion of an awning and shall not exceed fifty percent (50%) of the shed.
- b. Lettering shall be located within the middle seventy percent (70%) of the valance area
- c. Awnings shall not be lit from under the awning (back-lit) so that the awning appears internally illuminated
- d. Awnings shall be regularly cleaned and kept free of dust and visible defects

#### **7. Projecting Sign**

- a. Shall not be less than eight feet (8') above the surface over which they project in pedestrian areas
- b. Shall not project into alley more than three feet (3') and shall not be less than fourteen feet (14') above the alley surface where vehicles are allowed
- c. Internally illuminated projecting signs shall have opaque face panels so that only the letters, logos, numbers or symbols appear illuminated.
- d. Shall not be closer than fifteen feet (15') to another projecting sign or a freestanding sign or five feet (5') from an interior property line or a line dividing Two (2) separate business frontages
- e. May not project above the roof.

#### **~~8. Flying Banner Signs~~**

- ~~a. A maximum of four (4) flying banner signs allowed per parcel or business.~~
- ~~b. Shall not be located within the public right of way or parking strips along roadways.~~
- ~~c. A maximum sign area of twelve (12) square feet.~~
- ~~d. A maximum height of fifteen (15) feet.~~

### **15.48.60 TEMPORARY SIGN STANDARDS**

1. Temporary signs exempt from permitting may only be displayed two (2) times per calendar year for a total maximum of thirty (30) days.
2. Temporary signs intended to be displayed for more than thirty (30) days shall require a sign permit and meet the following criteria.
  - a. A permit shall be issued for one (1) year and may be renewed annually.
  - b. Once the event the temporary sign is intended for has ended or is completed the temporary sign permit shall not be allowed to renew and the temporary sign shall be removed within forty-eight (48) hours.
  - c. The issued permit number shall be placed on the sign
  - d. Refer to the permit application process, 15.48.040.3
3. Placement of Temporary signs
  - a. Temporary signs are allowed on private property only. Signs shall not be placed in the public rights-of-way.
  - b. The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.
  - c. Signs may be placed only in locations where permanent signs are allowed
  - d. Signs shall not be attached to permanent signs or temporary structures
4. Temporary Sign shall be place a minimum of fifteen (15) feet from any other sign.
5. Temporary Signs shall not be illuminated
6. Temporary signs shall be constructed of durable, rigid material suitable to their location and purpose. Only interior window signs may be made of non-rigid (e.g. paper) material
7. Temporary signs and their components shall be promptly removed at the date of expiration or forty-eight (48) hours after the event has ended or is completed.
8. The city or the property owner may remove signs installed in violation of this Title. Neither the city nor the property owner is responsible for notifying sign owners of removal of an illegal sign.

**15.48.070 SIGN STANDARD TABLE**

Sign Types	Max. Sign Area	Max. Height	Setback/Location	Max. Number	Special Provisions
<b>OS, A-1, and residential districts</b>					
Monument	25 SF	5 Feet	30' clear zone shall be maintained per any street corner, curb cut out or driveway, measured from the nearest edge of the driving surface	2 per pedestrian or vehicular entrance	Places of worship and private school located within residential districts shall be permitted 1 sign that meets these requirements

Wall	6 SF	Shall not extend above the lowest portion of a flat roof, the top of a parapet wall, or above the eaves line/fascia of any roof type		2 per pedestrian or vehicular entrance	
Temporary	6 SF	4 Feet	Shall be located on private property and shall not encroach into the public right of way.	2 per lot	Refer to 15.48.060 for temporary sign regulations.
<b>Sign Types</b>	<b>Max. Sign Area</b>	<b>Max. Height</b>	<b>Setback/Location</b>	<b>Max. Number</b>	<b>Special Provisions</b>
<b>BP, FOI, M, I, RC, RMU, FMU, PF</b>					
Monument (single tenant)	40 SF	6 Feet	5 feet from property line and out of any site visibility lines	1 sign for single users. 2 signs for properties with frontage on 2 arterial streets.	May extend no more than 20% over the allowed height for the purpose of architectural embellishment. No commercial content may extend into embellishment.
Monument (Multi-tenant)	80 SF	10 Feet	5 feet from property line and out of any site visibility line	1 per each street frontage. Properties with 800 FT or more frontage shall be permitted 1 sign per every 400 feet of frontage.	With three (3) or more tenants of separate businesses or organizations

Wall	1 SF per every 1 linear feet of building frontage not to exceed 60 SF per sign or a total of 120 SF	Minimum 8' above finished grade Shall not extend above the lowest portion of a parapet wall, or above line/fascia of any roof type.	Located within the middle 80% of the building frontage, measured from lease line to lease line.	1 per elevation, maximum 2. <u>Includes projecting signs.</u>	Shall not project more than 15 inches from the wall. If sign projects less than 3 inches from wall, the 8' foot height requirement need not be met but may not be lower than the lowest point of any window.
Awning	50% of the awning	8' minimum clearance to grade required for the lowest portion of the awning.	Street fronting face of the awning	<u>1 per awning</u>	Shall be included in the total size for wall signs.
Projecting	No maximum area for sign type	Minimum 8' clearance to back of curb required for the lowest portion of the projecting sign.  The top of the sign shall be located below the windows on the second-floor building		1 per storefront entrance	Shall be included in the total size for wall signs.
Window	Shall not occupy more than 25% of the total area of a single window surface				Any sign located inside of a building within 6 feet of an exterior window shall be counted as a window sign.  All video displays visible from an

					exterior window are prohibited.
Temporary	30 SF Window: 25%	Freestanding: 8ft.  Shall not extend above the second story of the building the sign is displayed on.  Shall maintain at least 8' from grade to bottom of sign.	Shall be located on private property and not encroach into the public right of way.	2 Per lot	Refer to 15.48.060 for temporary sign regulations.

#### **15.48.080 DEFINITIONS**

**Abandoned Sign:** A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days.

**Address Sign:** A sign that designates the street number and/or street name for identification purposes.

**A-frame Sign:** A portable, stand-alone sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form a base upon which the sign stands.

**Animated Sign:** A sign that uses movement or change of lighting to depict action or appearance of motion. This definition includes blinking, flashing, moving and revolving signs.

**Awning:** A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

**Awning Sign:** Any sign painted on, adhered to, or applied on, an awning.

**Banner:** A temporary sign made of fabric, plastic, or other light, pliable, weather-resistant materials not enclosed in a rigid frame.

**Bench Sign:** A sign located on the seat or back of a bench or seat placed on or adjacent to a public right of way.

**Billboard:** A sign portraying information or directing attention to a business, activity, commodity service, entertainment, or communication which is not conducted, sold or offered at the parcel on

which the sign or structure is located or which does not pertain to the parcel upon which the sign or structure is located.

**Box Cabinet Sign:** A three-dimensional enclosed structure which includes all messages and copy with a single or double sign face.

**Building Façade:** The exterior elevation of a building structure excluding any porches, overhangs, covered walkways, drive thru covers or similar appendages.

~~**Cabinet Sign:** A three-dimensional enclosed structure which includes all messages and copy with a single or double sign face.~~

**Canopy:** A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

**Canopy Sign:** Any sign that is part of or attached to a canopy. For the purposes of this ordinance a canopy sign shall be considered a wall sign.

**Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system.

**Channel Letters:** Three-dimensional, individually cut letters or figures, illuminated or unilluminated, affixed to a structure.

**Commercial Sign:** A sign that contains information or advertising for any business, commodity, service, product or attraction.

**Directional Sign:** An on-site sign that is designed to direct pedestrian and vehicular traffic into and out of, or within a site.

**Directory Sign:** A sign listing the names, uses or locations of the various businesses or activities conducted within a building or group of buildings, that is centrally located and intended to provide on-site directions.

**Drive-thru Menu Board:** A freestanding sign that lists the products and prices of products for items available at drive-thru facilities, often containing a two-way communication device used by customers to place an order.

**Embellishment:** Anything that enhances the appearance of a freestanding sign without having a functional purpose. For the purpose of this ordinance, embellishment may not include any symbol, representation, logo, insignia, illustration, or other form of advertising message for any business on site. It may contain the name and/or symbol, representation, logo, or insignia of a master planned shopping center, office park, commerce park, or other master planned multi-tenant development.

**External Illumination:** An external source of illumination that is not part of or attached to a sign.

**Flag:** Any fabric or other flexible material designed to be flown from a flagpole or similar device.

**Flashing Sign:** Any illuminated, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.

**Flying Banner Sign:** A temporary, stand-alone sign comprised of light fabric that moves with the wind and can turn 360 degrees and is supported by a pole structure and a base.

**Freestanding Sign:** A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports and not attached to or depend.

**Gateway Feature Sign:** A sign that imparts to a motorist or pedestrian gains that they have entered the city or a particular part of the city.

**Government/Regulatory Sign:** Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and sign of public service companies indicating danger or construction, which are erected by or at the order of a public officer.

**Illegal Sign:** Any sign which does not meet at least one of the following conditions:

1. An illegal, non-conforming sign that does not meet the standards of this Title
2. A sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use;
3. An abandoned sign that has not been removed with the time period specified by this Title;
4. A sign that was legally erected, but which later became nonconforming and then was damaged to the extent of 50 percent or more of its replacement value;
5. A sign that is a danger to the public or is unsafe; or
6. A sign that pertains to a specific event that has not been removed within the specified time after the occurrence of the event.

**Inflatable Sign:** A form of inflatable device or a sign that is displayed, printed or painted on the surface of a balloon or any other form of inflatable background and is used to attract attention to or advertise a noncommercial or commercial message or location.

**Incidental Sign:** A sign displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

**Internally Illuminated:** A light source entirely within a sign where the source of the illumination is not directly visible.

**Maintenance:** The replacing or repairing of a part or portion of a sign made unusable by ordinary wear and tear or by damage beyond the control of the sign's owner.

**Monument Sign:** A freestanding sign where the entire supporting base of the sign is affixed to the ground and is not attached to or supported by a building.

**Moving Sign:** A sign designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.

**Multi-Tenant Sign:** A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

**Neon Sign:** A sign using neon or any other inert gas under low pressure, which glows in a distinctive color when exposed to a high voltage electrical current.

**Nonconforming Sign:** An advertising structure or sign which was lawfully erected and maintained in compliance with the requirements in effect at the time, and which has subsequently come under new amended requirements and does not now completely comply.

**Off-Premises Sign:** A sign whose message directs attention to a specific business, product, service, event or activity not located on the premises upon which the sign is located.

**Pennant Flag Sign:** A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

**Permanent Sign:** A sign that is intended to be and is so constructed as to be lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position.

**Pole Sign:** A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure and where the width of the top of the sign structure is wider than the width of the base.

**Portable Sign:** A sign designed to be transported or moved and not permanently attached to the ground, a building or other structure.

**Primary Building Elevation:** The side of a commercial, office, or industrial building or tenant suite that contains the main entrance. In instances where there is no singular main entrance, the primary elevation shall be the building's most significant side as determined by the Planner.

**Projecting Sign:** A sign, other than a wall sign, that is suspended from or supported by a structure attached to a building and projecting outward from the building.

**Pylon Sign:** A freestanding sign other than a pole sign, permanently affixed to the ground by supports, but not having the appearance of a solid base.

**Raceways:** for electrical signs, the enclosure that holds sign elements, which may also be the structural element that is mounted on a wall or other support element.

**Roof Sign:** A building-mounted sign erected upon, against, or over the roof of a building.

**Shopping Center:** A commercial development consisting of three (3) or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.

**Sign:** Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbol, numbers or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

**Sign Area:** The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols.

**Sign Height:** Sign height shall be measured as the distance from the back of curb to the highest portion of the sign.

**Sign Structure:** Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

**Street Frontage:** The side or sides of a lot abutting on a public street or right-of-way.

**Temporary Sign:** A sign not permanently attached to the ground, a wall or a building, and not intended or designed for permanent display.

**Vehicle Sign:** A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

**Wall Sign:** A sign that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

**Window Sign:** A sign that is applied, painted, or affixed to the interior or exterior of a window, or any sign located inside a building within six (6) feet of the interior side of the window and displayed so as to attract the attention of persons outside the building.



# COMMUNITY DEVELOPMENT

DATE: June 27, 2018  
 FROM: Elizabeth Hart, Planner  
 TO: City Council  
 ITEM: 7.4 Public Hearing and Consideration of a Waters Edge Zoning District Text Amendment to Sections 5.08.010 Building Standards (Table)  
 APPLICANT: Pete Evans, Flagship Homes

**INTRODUCTION:**

Flagship Homes is requesting a modification to the Waters Edge Zoning District. The applicant is requesting a modification to the building height regulations within the Waters Edge Zoning District in order to bring the height regulations in line with the City’s general residential building height regulations. This change will modify the maximum height of a residential building in all but the multi-family zoned areas to a height of thirty-five feet (35’) above the top back of curb adjacent to the front of the building lot.

Currently, the Waters Edge Zoning District provides for a thirty-foot (30’) building height above the average natural grade of a building lot. Given the extensive grading and modification to the building lots within the Waters Edge District, determining the original natural grade for purposes of building permit approval may be overly burdensome on both the builder/applicant and City staff during site plan review. The proposed modification would align the building height for residential buildings within the Waters Edge district with all other residential zones of the City and provide consistency, along with a more efficient, objection building permit application review.

This ordinance has been properly noticed in the newspaper, posted on the Utah State Public Notice website and posted within various city locations. Affected entities like local governmental jurisdictions and special districts were also provided a copy of the notice.

**PROPOSED ORDINANCE:**

The proposed amendments include the following:

5.08.010 Building Standards (Table)

HEIGHT REGULATIONS	SFD C	SFD 36	SFD 45	SFD 54	SFD 65	SFD 8	SFD 10	SFD 15	SFD 20	TH 12	TH 17	CN	SFA 6
The Maximum height <del>in feet</del> for all buildings and structures (measured from the <del>average natural grade</del> <b>top back of curb</b> ), shall be:	<del>30</del> 35	40	<del>30</del> 35										

**PLANNING COMMISSION RECOMMENDATION:**

On June 20, 2018, the planning commission held a public hearing on the proposed text amendments for the Waters Edge Zoning District. No public comment was given.

The planning commission recommended approval of the zoning text amendments for Section 5.08.010 Building Standards (Table) of the Waters Edge Zoning District.

**RECOMMENDATION:**

Staff is recommending approval of the proposed text amendments to the Waters Edge Zoning District. The ordinance and draft language are attached to this staff report.

**PROPOSED MOTION:**

*"I move to approve of the proposed Waters Edge District zoning text amendments"*

**ATTACHMENTS:**

- Proposed Ordinance with associated zoning text amendments.

**VINEYARD**

**ORDINANCE 2018-07**

**AN ORDINANCE OF VINEYARD, UTAH, AMENDING WATERS EDGE ZONING  
ORDINANCE SECTION 5.08.010 BUILDING STANDARDS TABLE.**

**Whereas**, Title 10, Chapter 9a Municipal Land Use, Development, and Management Act of the Utah Municipal Code, permits Vineyard to ensure the health, safety and welfare of the community through local land use planning and the adoption of land use ordinances; and

**Whereas**, Vineyard is authorized to amend the City's Zoning Ordinance pursuant to Utah Municipal Code § 10- 9a-102(2); and

**Whereas**, the Planning Commission held a public hearing on June 20, 2018 and after fully considering public comment and staff recommendations, recommended approval to the Vineyard City Council; and

**Whereas**, the Vineyard City Council, having reviewed the proposed text amendments, held a public hearing on June 27, 2018; and

**Whereas**, the Vineyard City Council having considered the recommendation of the Planning Commission and submitted comments and testimony from the public, having determined that it is in the best interest of the public and adopt the proposed text amendments to the Zoning Ordinance.

**NOW THEREFORE**, be it ordained by the Council of Vineyard, in the State of Utah, as follows: See exhibit A.

**REPEALER CLAUSE:** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SEVERABILITY CLAUSE:** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**EFFECTIVE DATE:** This Ordinance shall be in full force and effect from June 27, 2018 and after the required approval and publication according to law.

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Mayor Julie Fullmer

ATTEST:

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City Recorder

**EXHIBIT A**

**5.08.010 Building Standards (Table)**

	<b>HEIGHT REGULATIONS</b>	<b>SFD C</b>	<b>SFD 36</b>	<b>SFD 45</b>	<b>SFD 54</b>	<b>SFD 65</b>	<b>SF D 8</b>	<b>SF D 10</b>	<b>SF D 15</b>	<b>SFD 20</b>	<b>TH 12</b>	<b>TH 17</b>	<b>CN</b>	<b>SF A 6</b>
2.30	The maximum height <u>in feet</u> for all buildings and structures (measured from <del>the</del> <u>the top of back of curb average natural grade</u> ), shall be:	<del>30</del> <u>35</u>	40	<del>30</del> <u>35</u>										



## VINEYARD CITY COUNCIL STAFF REPORT

**Meeting Date:** June 27, 2018

**Agenda Item:** 7.5 Naming of the 18-acre Park

**Department:** Parks and Trails Committee

**Presenter:** PC Madam Chair, and Parks and Trails Committee member Cristy Welsh

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**Background/Discussion:**

The Parks and Trails Committee will be proposing three (3) names for the 18-acre park. The City Council will discuss and approve one (1) name for the 18-acre park.

**Fiscal Impact:**

None

**Recommendation:**

N/A

**Sample Motion:**

“I move to approve the proposed name for the 18-acre park”

**Attachments:**

Map

Naming of Public Land and Facilities Policy



## **NAMING OF PUBLIC LAND AND FACILITIES**

### **PURPOSE:**

The purpose of this policy is to establish a uniform procedure for the official naming of Vineyard's public land and facilities to ensure that these public amenities are easily identified and located, and given names that are consistent with the character and heritage of the area, neighborhood, or community served.

### **CRITERIA:**

It is the policy of the City of Vineyard to name its public land and facilities through an adopted process utilizing established criteria emphasizing community character, heritage, geography, civics and service.

1. Names submitted should adhere to the following standards:
  - a. Recognized geographic names – relative to the location of the land or facility.
  - b. Natural or geological features proximate to the land or facility.
  - c. Cultural or historical significance to the City, County or surrounding neighborhood
  - d. Organization who made a significant contribution to the community. Contribution, whether years of service or monetary donation, should be extensive, substantial and documented.
  - e. A person (deceased) who made a significant contribution to the City as a whole over an extended period of time. It should be someone who has contributed in a definitive and outstanding manner to the betterment of this community and its citizens.
2. The process to name public land and facilities shall begin within 12 months after the City has acquired title to the land and/or formally accepted the dedication.
3. Conditions of property donation as agreed upon by the donor and the City shall be honored regarding the naming of the land and facility subject to these adopted policies.

### **SUBMITTING A NAME REQUEST**

1. Any person, group or organization may submit to name public land or facilities through the completion of the Naming of Public Land and Facilities application to the Planning Department.
2. The application shall include sufficient explanation to enable the Parks and Trails Committee to make a determination that the naming is justified and complies with this policy. Factors to be considered include, but are not limited to:
  - a. The proposed name and the reason for the naming.



- b. The background information, biographical information demonstrating the contribution or other factors associated with a person or place to be named.
  - c. In cases of proposals recognizing deceased individuals, documentation verifying that the living family members or relatives are in agreement with the proposal.
  - d. Any other factors which would support the proposal or request, including consistency with this policy.
3. Planning staff will review the application for adherence to the stated criteria and authentication of statements relative to the naming.
4. Once the application is deemed complete, planning staff will forward the application the Parks and Trails committee for consideration.
5. The Parks and Trails committee will offer the opportunity for public input on the proposed naming.
6. The Parks and Trails committee shall forward their recommendation to the City Council for a final decision.
7. Following approval of a name by the City Council, planning staff will identify the specific land or facility with appropriate signage specifying the name. The signage will be designed according the existing Signage Ordinance.

**PARKS AND TRAILS COMMITTEE MEMBERS:** Members are volunteers from the Vineyard Planning Commission and Heritage Commission

